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THE
ECCLESIASTICAL
STATUTES AT LARGE.

SELECTED FROM THE

GRANT BODY OF THE STATUTE LAW.

ARRANGED UNDER SEPARATE HEADS.

JAMES THOS. LAW, M.A.

OF THE INNER TEMPLE, ESQ.

IN FIVE VOLUMES.

VOL. III.

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BY

JAMES THOS. LAW, M. A.,

LATE SPECIAL COMMISSARY OF THE DIOCESE OF BATH AND WELLS.

IN FIVE VOLUMES.

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HENRY WILLIAM BALL, HIGH-STREET.

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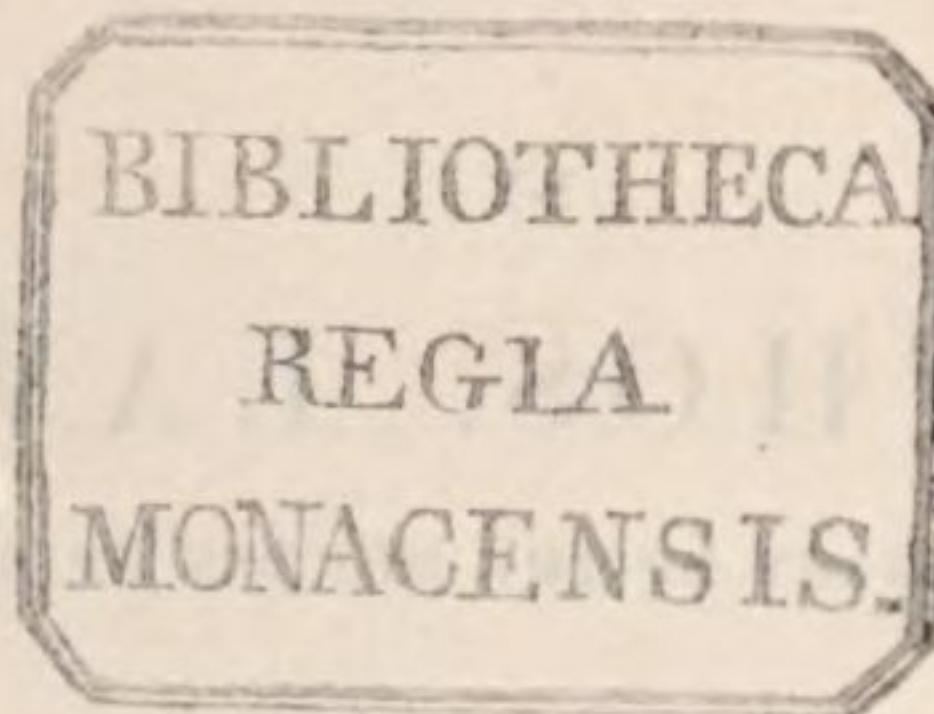
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AT THE SIGN OF THE CROWN, AND WATERLOO PLACE.

WELLS:

HENRY WILLIAM WILLIAMS.

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THE ECCLESIASTICAL STATUTES AT LARGE.

ECCLESIASTICAL COURTS, ENGLAND.

13 EDWARD 1, STAT. 4. CIRCUMSPECTE AGATIS.—*Certain cases wherein the king's prohibition doth not lie.*—* *The king to his judges sendeth greeting.* Use yourselves circumspectly in all matters concerning the bishop of *Norwich* and his clergy, not punishing them if they hold plea in court christian of such things as be mere spiritual, that is to wit, of penance enjoined by prelates for deadly sin, as fornication, adultery, and such like, for the which sometimes corporal penance, and sometime pecuniary is enjoined, specially if a freeman be convict of such things. Also if prelates do punish for leaving the church-yard unclosed, or for that the church is uncovered, or not conveniently decked, in which cases none other penance can be enjoined but pecuniary.

* Not in orig.
Cases where-
in the king's
prohibition
doth not lie.
2 Inst. 487.
13 Co. 41.
7 Co. 44.
5 Co. 67.

Item, if a parson demand * *of his parishioners oblations or tithes due and accustomed, or if any parson do sue against another parson for tithes greater or smaller, so that the fourth part of the value of the benefice be not demanded.*

Tithes and
offerings.
* The lines
in italics are
not in the
original.

Item, if a parson demand mortuaries in places where a mortuary hath been used to be given.

8 Ed. 4, 13.
Fitz. prohi-
bition, 18, 20.
Mortuaries.

Item, if a prelate of a church, * *or of a patron*, demand of a parson a pension due to him, all such demands are to be made in a spiritual court. And for laying violent hands on a clerk, and in cause of defamation, it hath been granted already, that it shall be tried in a spiritual court, when money is not demanded, but a thing done for punishment of sin, * *and likewise for breaking an oath.* In all cases afore rehearsed, the spiritual judge shall have power to take know-ledge, notwithstanding the king's prohibition.

* Not in orig.
Pension.
Defamation.
4 Co. 20.
Kel. 39.
22 Ed. 4, f. 20.
Bro. prohi-
bition, 18, 21.
Breach of an
oath.

* Not in orig.
Bro. act. sur
le case, 115. 38 H. 6, f. 29. 11 H. 4, f. 88. Regist. 36, 45, 50, 51, 57, &c. Rast. pla. 483. See 24 Ed. 1. where a consultation is grantable. By 9 Ed. 2, stat. 1, c. 1, no prohibition shall be granted where tithes are demanded. See further 9 Ed. 2, c. 2, 4, and 5, 1 Ed. 3, stat. 2, c. 11, 18 Ed. 3, stat. 3, c. 5, 50 Ed. 3, c. 4, and 2 H. 5, stat. 1, c. 3.

25 EDWARD 1, STAT. 1, CAP. 4.—*Excommunication shall be pronounced against the breakers of the said charters.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 f.

9 EDWARD 2, STAT. 1, CAP. 6.—*Where a suit for one offence may be prosecuted both in court spiritual and temporal.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 n.

Certain statutes made during the reigns of king Henry the third, king Edward the first, or king Edward the second, but uncertain when, or in which of their times.—*Articles against the kings prohibitions.*—Under what form shall laymen purchase prohibitions generally upon

tithes, oblations, obventions, redeeming of penances, mortuaries, violent hands laying on a clerk or lay brother, and in cases of defamation, in which cases spiritual penance must be enjoined? The king answered to these articles, that in tithes, oblations, obventions, and mortuaries, when they be pleaded as before is said, the king's prohibition doth not lie.

II. And if a clerk or a person religious do sell his corn being in his barn, or other where, to any man for money, if the price thereof be demanded before a spiritual judge, the king's prohibition doth lie; for by the sale the spiritual are become temporal, and so tithes pass into chattels.

III. And if debate hang in a spiritual court for the right of tithes, having his original from the right of the patronage, and the quantity of the same tithes do pass the fourth part of the value of the benefice, a prohibition shall lie.

IV. Also if a prelate enjoin penance pecuniary to any man for his sin, if the money be demanded before prelates, a prohibition shall lie.

V. And if any lay violent hands on a clerk or lay brother, for the peace broken, amends shall be made before the king, and for the excommunication before a bishop or prelate.

VI. And if a corporal penance be enjoined, which the offender will redeem by giving money to the prelate, or to the party grieved, a prohibition shall not lie.

9 Ed. 2, st. 1,
c. 1.
See further
50 Ed. 3, c. 4,
and 2 H. 5,
st. 1, c. 3.

VII. In causes of defamation, prelates may freely correct, the king's prohibition notwithstanding, first enjoining a corporal penance, which if the party will redeem, the prelate may lawfully receive the money, though the prohibition be shewed.

Regist. 39,
42.
Rast. 487.

1 EDWARD 3, STAT. 2, CAP. 11.—*No suit shall be made in the spiritual court against indictors.*—Item, the commons do grievously complain, that when divers persons, as well clerks as lay people, have been indicted before sheriffs in their turns, and after by inquests procured, be delivered before the justices; after their deliverance they do sue in the spiritual court against such indictors, surmising against them that they have defamed them, to the great damage of the indictors, wherefore many people of the shire be in fear to indict such offenders; the king will, that in such case every man that feeleth himself grieved thereby, shall have a prohibition formed in the chancery upon his case.

2 Inst. 489.

1 RICHARD 2, CAP. 13.—*Ecclesiastical judges shall not be vexed for suits for tithes in a spiritual court.*—Item, the prelates and clergy of this realm do greatly complain them, for that the people of holy church, pursuing in the spiritual court for their tithes and their other things, which of right ought, and of old times were wont to pertain to the same spiritual court, and that the judges of holy church, having cognizance in such cases, and other persons thereof meddling according to the law, be maliciously and unduly for this cause indicted, imprisoned, and by secular power horribly oppressed, and also enforced with violence by oaths and grievous obligations, and many other means unduly compelled to desist and cease utterly of the things aforesaid, against the liberties and franchises of holy church. Wherefore it is assented, that all such obligations made

or to be made by duress or violence, shall be of no value. And as to those that by malice do procure such indictments, and to be the same indictors, after the same inditees be so acquit, such procurers shall have and incur the same pain that is contained in the statute of *Westminster* the second, of those which procure false appeals to be made. And the justices of assizes, or other justices, before whom such inditees shall be acquit, shall have power to inquire of such procurers and indictors, and duly to punish them according to their desert.

The penalty of those which do procure such indictments.

2 HENRY 5, STAT. 1, CAP. 3.—*A copy of the libel in the spiritual court shall be delivered.*—Item, forasmuch as divers of the king's liege people be daily cited to appear in the spiritual court before spiritual judges, there to answer to divers persons, as well of things which touch freehold, debt, trespasses, covenants, and other things whereof the cognizance pertaineth to the court of our lord the king, as of matrimony and testament; and when such persons so cited appear and demand a libel of that which against them is surmised, to be informed to give their answer thereunto, or otherwise to purchase a writ of our lord the king, of prohibition, according to their case, which libel to them is denied by the said spiritual judges, to the intent that such persons should not be aided by any such writ, against the law, and to the great damage of such persons so impleaded: our said lord the king, by the advice and assent of the lords spiritual and temporal, and at the request and instance of the said commons, hath ordained and established, that at what time the libel is grantable by the law, that it may be granted and delivered to the party without any difficulty.

12 Co. 61.
13 Co. 41.

1 Lutw. 134.
4 Ed. 4, f. 37.
Cro. Jac. 37.
3 Bulstr. 51,
120.

Rast. 483.

4 JAMES 1, CAP. 5, SECS. 8 & 9.—*An act for repressing the odious and loathsome sin of drunkenness.*

VIII. Provided always, that this act, or any thing therein contained, do not in anywise abridge or restrain the ecclesiastical power or jurisdiction, but that all ordinaries, and other ecclesiastical judges and officers, shall and may proceed to inquire of, censure and punish all such offenders according to the ecclesiastical laws of this realm, in such manner and form as before they lawfully might do; any thing in this act to the contrary notwithstanding.

Enlarged by
21 Jac. 1, c. 7,
s. 5.
No restraint
of ecclesi-
astical juris-
diction.

IX. Provided also, that when any of the offenders against the true intent of this act, or any branch or article thereof, hath been once punished or corrected for his or her offence, by any the ways and means before limited; that then the said offender shall not be afterwards punished or corrected for the same offence by any other ways or means.

There shall
be but one
punishment
for one of-
fence.

27 GEORGE 3, CAP. 44.—*An act to prevent frivolous and vexatious suits in ecclesiastical courts.*—Whereas it is expedient to limit the time for the commencement of certain suits in the ecclesiastical courts; may it therefore please your majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of *August* one thousand seven hundred and eighty-seven, no suit for defamatory words shall be commenced in any of the ecclesiastical courts within

Preamble.

Suits in ec-
clesiastical
courts for
defamatory
words to be
commenced
within six
months.

England, Wales, or the town of Berwick-upon-Tweed, unless the same shall be commenced within six calendar months from the time when such defamatory words shall have been uttered.

Limitation
of suits in ec-
clesiastical
courts.

II. And be it further enacted by the authority aforesaid, that no suit shall be commenced in any ecclesiastical court, for fornication, or incontinence, or for striking or brawling in any church or churchyard, after the expiration of eight calendar months from the time when such offence shall have been committed; nor shall any prosecution be commenced or carried on for fornication at any time after the parties offending shall have lawfully intermarried.

Excommuni-
cation dis-
continued,
except in
certain cases

53 GEORGE 3, CAP. 127.—*An act for the better regulation of ecclesiastical courts in England; and for the more easy recovery of church rates and tithes.*—Whereas it is expedient that excommunication, together with all proceedings following thereupon, should, saving in certain cases, be discontinued, and that other proceedings should be substituted in lieu thereof; and that certain other regulations should be made in the proceedings of the ecclesiastical courts; and that more convenient modes of recovering tithes and church rates in certain cases should be provided; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, excommunication, together with all proceedings following thereupon, shall in all cases, save those hereafter to be specified, be discontinued, throughout that part of the united kingdom of *Great Britain and Ireland* called *England*; and that in all causes which according to the laws of this realm are cognizable in the ecclesiastical courts, when any person or persons having been duly cited to appear in any ecclesiastical court, or required to comply with the lawful orders or decrees, as well final as interlocutory, of any such court, shall neglect or refuse to appear, or neglect or refuse to pay obedience to such lawful orders or decrees, or when any person or persons shall commit a contempt in the face of such court, no sentence of excommunication shall be given or pronounced; saving in the particular cases hereafter to be specified; but instead thereof, it shall be lawful for the judges or judge who issued out the citation, or whose lawful orders or decrees have not been obeyed, or before whom such contempt in the face of the court shall have been committed, to pronounce such person or persons contumacious and in contempt, and within ten days to signify the same in the form to this act annexed, to his majesty in chancery, as hath heretofore been done in signifying excommunications; and thereupon a writ *de contumace capiendo*, in the form to this act annexed, shall issue from the court of chancery, directed to the same persons to whom the writs *de excommunicato capiendo* have heretofore been directed; and the same shall be returnable in like manner as the writ *de excommunicato capiendo* hath been by law returnable heretofore, and shall have the same force and effect as the said writ; and all rules and regulations not hereby altered, now by law applying to the said writ and the proceedings following thereupon, and particularly the several provisions contained in a certain act passed in the fifth year of queen *Elizabeth*, intituled *an act for the due execution of the writ*

Same as in
the writ
de excom-
municato
capiendo.

de excommunicato capiendo, shall extend and be applied to the said writ *de contumace capiendo* and the proceedings following thereupon, as if the same were herein particularly repeated and enacted; and the proper officers of the said court of chancery are hereby authorized and required to issue such writ *de contumace capiendo* accordingly; and all sheriffs, gaolers, and other officers are hereby authorized and required to execute the same, by taking and detaining the body of the person against whom the said writ shall be directed to be executed; and upon the due appearance of the party so cited and not having appeared as aforesaid, or the obedience of the party so cited and not having obeyed as aforesaid, or the due submission of the party so having committed a contempt in the face of the court, the judges or judge of such ecclesiastical court shall pronounce such party absolved from the contumacy and contempt aforesaid, and shall forthwith make an order upon the sheriff, gaoler, or other officer in whose custody he shall be, in the form to this act annexed, for discharging such party out of custody, and such sheriff, gaoler, or other officer shall, on the said order being shewn to him, so soon as such party shall have discharged the costs lawfully incurred by reason of such custody and contempt forthwith discharge him.

II. Provided always, and be it further enacted, that nothing in this act contained shall prevent any ecclesiastical court from pronouncing or declaring persons to be excommunicate in definitive sentences, or in interlocutory decrees having the force and effect of definitive sentences, such sentences or decrees being pronounced as spiritual censures for offences of ecclesiastical cognizance, in the same manner as such court might lawfully have pronounced or declared the same, had this act not been passed.

In what cases excommunication shall continue.

III. And be it further enacted, that no person who shall be so pronounced or declared excommunicate, shall incur any civil penalty or incapacity whatever, in consequence of such excommunication, save such imprisonment, not exceeding six months, as the court pronouncing or declaring such person excommunicate shall direct, and in such case the said excommunication, and the term of such imprisonment, shall be signified or certified to his majesty in chancery, in the same manner as excommunications have been heretofore signified, and thereupon the writ *de excommunicato capiendo* shall issue, and the usual proceedings shall be had, and the party being taken into custody shall remain therein for the term so directed, or until he shall be absolved by such ecclesiastical court.

Proceedings in case of excommunication.

IV. And whereas in the seventh and eighth years of king *William* the third an act was made and passed, intituled *an act for the more easy recovery of small tithes*, whereby, amongst other things therein enacted, two or more of his majesty's justices of the peace are authorized and required to hear and determine complaints touching tithes, oblations and compositions substracted or withheld, not exceeding forty shillings: and whereas it has become expedient to enlarge such amount, and also to extend the said act to all tithes whatsoever of certain limited amount; be it enacted, that such justices of the peace shall, from and after the passing of this act, be authorized and required to hear and determine all complaints touching tithes, oblations and compositions substracted or withheld,

7 & 8 W. 3, c. 6, s. 1.

Justices of peace may determine complaints respecting tithes not

exceeding
ten pounds.

where the same shall not exceed ten pounds in amount from any one person, in all such cases, and by all such means, and subject to all such provisions and remedies, by appeal or otherwise, as contained in the said act of king *William*, touching small tithes, oblations and compositions not exceeding forty shillings: provided always nevertheless, that, from and after the passing of this act, one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as in the said act is set forth.

Limitation
of actions
respecting
tithes.

V. And be it further enacted, that, from and after the passing of this act, no action shall be brought for the recovery of any penalty for the not setting out tithes, nor any suit instituted in any court of equity, or in any ecclesiastical court, to recover the value of any tithes, unless such action shall be brought or such suit commenced within six years from the time when such tithes became due.

7 & 8 W. 3,
c. 34, s. 4,
and 1 G. 1,
st. 2, c. 6, s. 2,

VI. And whereas in the seventh and eighth years of king *William* the third an act was made and passed, intituled *an act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath in the usual form*, whereby, among other things, it is therein enacted, where any Quaker shall refuse to pay for or compound for his great or small tithes, or to pay any church rates, two or more of his majesty's justices of the peace are authorized to hear and determine the same, not exceeding the value of ten pounds: and whereas by a statute made and passed in the first year of king *George* the first the said act is extended to other objects: and whereas it is become expedient to enlarge the said sum; be it enacted, that, from and after the passing of this act, all the provisions of the said acts of king *William* and king *George* shall be deemed and taken to extend to any value not exceeding fifty pounds: provided always nevertheless, that, from and after the passing of this act, one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as in the said act is set forth.

as to Quakers
neglecting to
pay tithes,
&c. extended

Recovery of
church or
chapel rates.

VII. And whereas it is expedient that church rates or chapel rates of limited amount, unduly refused or withheld, should in certain cases be more easily and speedily recovered; be it enacted, that, from and after the passing of this act, if any one duly rated to a church rate or chapel rate, the validity whereof has not been questioned in any ecclesiastical court, shall refuse or neglect to pay the same sum at which he is so rated, it shall and may be lawful for any one justice of the peace of the same county, riding, city, liberty or town corporate, where the church or chapel is situated, in respect whereof such rate shall have been made, upon the complaint of any churchwarden or churchwardens, chapelwarden or chapelwardens, who ought to receive and collect the same, by warrant under the hand and seal of such justice, to convene before any two or more such justices of the peace any person so refusing or neglecting to pay such rate, and to examine upon oath (which oath the said justices are hereby empowered to administer) into the merits of the said complaint, and by order under their hands and seals to direct the payment of what is due and payable in respect to such rate, so as the sum ordered and directed to be paid as aforesaid do not exceed

ten pounds, over and above the reasonable costs and charges, to be ascertained by such justices; and upon refusal or neglect of such party to pay according to such order, it shall and may be lawful for any one of such justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, together with the amount of such costs and charges, by distress and sale of the goods of such offender, his executors or administrators, rendering only the overplus to him or her, the necessary charges of distraining being thereout first deducted and allowed by the said justices; and any person finding him or herself aggrieved by any judgment given by two or more such justices, may appeal to the next general quarter sessions to be held for the county, riding, city, liberty or town corporate wherein the church or chapel is situated, in respect whereof such rate shall have been made, and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment if they shall see cause; and if the justices then present, or the major part of them, shall find cause to affirm the judgment given by the first two or more justices, the same shall be decreed by order of sessions, with costs, against the appellant, to be levied by distress and sale of the goods and chattels of the said party appellant: provided always, that in case any such appeal be made as aforesaid, no warrant of distress shall be granted until after such appeal be determined: provided also, that nothing herein contained shall extend to alter or interfere with the jurisdiction of the ecclesiastical courts to hear and determine causes touching the validity of any church rate or chapel rate, or from proceeding to enforce the payment of any such rate, if the same shall exceed the sum of ten pounds from the party proceeded against: provided likewise, that if the validity of such rate, or the liability of the person from whom it is demanded to pay the same, be disputed, and the party disputing the same give notice thereof to the justices, the justices shall forbear giving judgment thereupon, and the person or persons demanding the same may then proceed to the recovery of their demand, according to due course of law, as heretofore used and accustomed: provided likewise, that nothing herein contained shall affect any regulations that may have been made by authority of parliament, respecting the church rates or chapel rates of any particular parishes or districts.

Appeal.

Proviso for ecclesiastical jurisdiction.

Proviso.

VIII. And be it further enacted, that, from and after the passing of this act, if any proctor of the arches court of *Canterbury*, or any other ecclesiastical court or courts in which he shall be entitled to act as proctor, shall act as such, or permit or suffer his name to be in any manner used in any suit, the prosecution or defence whereof shall appertain to the office of a proctor, or in obtaining probates of wills, letters of administration or marriage licences, to or for, or on account or for the profit and benefit of any person or persons not entitled to act as a proctor, or shall permit or suffer any such person or persons to demand or participate in such profit and benefit, and complaint thereof shall be made to the court or courts wherein such proctor hath been admitted and enrolled, and proof given to the satisfaction of the said court or courts that such proctor hath offended therein as aforesaid, then and in such case every

Proctors allowing their names to be used by persons not entitled to act as proctors struck off rolls.

Exception. such proctor so offending shall be struck off the roll of proctors, and be for ever after disabled from practising as a proctor, or be suspended from the office, function and practice of a proctor in all and every the said court or courts for so long a period as the judge or judges of the said court or courts may deem fit; save and except as to any allowance or allowances, sum or sums of money that are or shall be agreed to be made to the widows or children of any deceased proctor or proctors by any surviving partner or partners of such deceased proctor or proctors; and also save and except as to any agreement made, or understood to have been made, between proctors and articled clerks, whose articles have been executed prior to the passing of this act.

Persons exercising functions of a proctor not being duly enrolled.

IX. And be it further enacted, that, from and after the passing of this act, in case any person or persons shall in his or in their own name, or in the name of any other person or persons, make, do, act, exercise or perform any act, matter or thing whatsoever in any way appertaining or belonging to the office, function or practice of a proctor, for or in consideration of any gain, fee or reward, or with a view to participate in the benefit to be derived from the office, functions or practice of a proctor, without being admitted and enrolled, every such person, for every such offence, shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in manner hereinafter mentioned.

Penalty.

Proviso for salaries of clerks of seven years' standing.

X. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to any salary which shall be agreed to be paid by a proctor, his partner or successor, to a clerk really and *bona fide* serving in his office at the time of the passing of this act, and who shall have been *bona fide* serving in the office of any proctor or proctors for seven years next before the passing of the same.

Recovery of penalties, &c.

XI. And be it further enacted, that all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, privilege, wager of law or more than one imparlance shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall receive the same for his or her own use, with full costs of suit.

Limitation of actions.

XII. And be it further enacted, that if any action or suit shall be brought or commenced for any thing done in pursuance of this act, every such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid and tried in the city or county wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of this act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other city, county or place than as aforesaid, then the judge shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be non-suited, or suffer a discontinuance of their action or suit,

General issue.

after the defendant or defendants shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in any other case by law. Treble costs.

Schedules to which this act refers.

Schedule (A.)

To his most excellent majesty and our sovereign lord *George* the third, by the grace of God of the united kingdom of *Great Britain* and *Ireland* king, defender of the faith, Significavit of party being contumacious and in contempt.
 by divine providence, &c. health in him by whom kings and princes rule and govern : we hereby notify and signify unto your majesty, that one of in the county of hath been duly pronounced guilty of manifest contumacy and contempt of the law and jurisdiction ecclesiastical, in not [*as the case may be*] appearing before [*here set out the style of the ecclesiastical judge, or his representative*], or in not obeying the lawful commands [*here set out the commands*] of [such judge or representative] or in having committed a contempt in the face of the court of [such judge or representative] lawfully authorized by [*here set out the nature and manner of such contempt*], on a day and hour now long past, in a certain cause of [*here set out the nature of the cause, and the names of the parties to the same.*] We therefore humbly implore and entreat your said most excellent majesty would vouchsafe to command the body of the said to be taken and imprisoned for such contumacy and contempt. Given under the seal of our court the day of

A. B. registrar, [*or, deputy registrar, as the case may be*].

Schedule (B.)

George, &c. to the sheriff of greeting : the Writ de contumace capiendo.
 hath signified to us, that of in your county of is manifestly contumacious, and contemns the jurisdiction and authority of [*here fully state the non-appearance, disobedience, together with the commands disobeyed, or the contempt in the face of the court, as the case may be*], nor will he submit to the ecclesiastical jurisdiction ; but forasmuch as the royal power ought not to be wanting to enforce such jurisdiction, we command you that you attach the said by his body, until he shall have made satisfaction for the said contempt ; and how you shall execute this our precept notify unto and in nowise omit this, and have you there this writ. Witness ourself at *Westminster*, the day of in the year of our reign.

Schedule (C.)

Whereas of in your county Writ of deliverance.
 of whom lately, at the denouncing of for contumacy, and by writ issued thereupon, you

attached by his body until he should have made satisfaction for the contempt; now he having submitted himself, and satisfied the said contempt, we hereby empower and command you, that without delay you cause the said _____ to be delivered out of the prison in which he is so detained, if upon that occasion and no other he shall be detained therein. Given under the seal of our
of

A. B. registrar, [or, deputy registrar, as the case may be.]

Extracted by *E. F.*

proctor.

10 GEORGE 4, CAP. 53.—*An act to regulate the duties, salaries, and emoluments of the officers, clerks, and ministers of certain ecclesiastical courts in England.*—Whereas the commissioners authorized and appointed by several commissions and warrants, as well from his late majesty king *George* the third, as from his present majesty, to make a diligent examination of the duties, salaries, and emoluments of the several officers, clerks, and ministers of justice of and within all ecclesiastical courts (amongst other courts) in *England*, and to inquire what regulations might be fit to be established respecting such duties, salaries, and emoluments, have, in pursuance of the said several commissions and warrants, made two several reports to his present majesty; one dated the sixteenth day of *May* one thousand eight hundred and twenty-three, as to the duties, salaries, and emoluments of the officers, clerks, and ministers of justice of the court of arches, prerogative court, and court of peculiars of the lord archbishop of *Canterbury* respectively; and the other dated the fourth day of *July* one thousand eight hundred and twenty-three, as to the duties, salaries, and emoluments of the officers, clerks, and ministers of justice of the consistory court and commissary court of the lord bishop of *London* respectively: and whereas the said commissioners have in their said several reports recommended the regulation of the duties, salaries, and emoluments of the officers, clerks, and ministers of justice of the said several courts respectively, and it is expedient that such recommendation of the said commissioners should be carried into effect, and that some provision should be made for the permanent regulation of the said duties, salaries, and emoluments; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the official principal of the said court of arches, together with the chancellor of the diocese of *London* and the commissary of the diocese of *Canterbury*, or together with either of them, and they are hereby required, to take into consideration the said reports and recommendations of the said commissioners, and to establish and ordain tables of fees to be thereafter taken by the several officers, clerks, and ministers of the said several courts respectively, such tables respectively to contain the fees recommended by the said commissioners in their said reports to be taken by the several officers, clerks, and ministers of the said several courts respectively, and no other fees or emoluments whatsoever; which tables of fees, when so established and ordained, shall be entered or enrolled in

Tables of fees to be established and enrolled in the books of the courts.

the public books or records of the courts to which they respectively relate, in such manner as the persons establishing the same shall think fit.

II. And be it further enacted, that the fees so established and ordained shall, from and after the establishment and ordaining thereof, and the entry or enrolment of such tables as aforesaid, and after notice thereof given to the officers, clerks, and ministers respectively whom they may concern, in such manner as the persons establishing the said tables shall direct, be the lawful fees of such officers, clerks, and ministers respectively, and that none other (except such as may be altered or ordained as hereinafter provided) shall be demanded, received, or taken by such officers, clerks, and ministers respectively, under any colour or pretence whatsoever.

The fees in such tables to be the only lawful fees.

III. And whereas some alteration in such tables of fees, after the same shall have been so entered and enrolled as aforesaid, may from time to time become expedient and necessary; be it therefore enacted, that it shall and may be lawful for the said persons for the time being by whom such tables of fees shall be established as aforesaid from time to time to alter such tables of fees, and also to establish and ordain other reasonable, new, or additional fees to be demanded, received, and taken by such officers, clerks, and ministers respectively, and to cause such altered, new, or additional fees to be entered or enrolled in the public books or records of the courts to which they respectively relate; and which altered, new, or additional fees, when so entered or enrolled, shall be the lawful fees of such officers, clerks, and ministers: provided always, that before such altered, new, or additional fees shall be entered or enrolled in the public books or records of the courts to which they respectively relate, and before the same shall be demanded, taken, or received by the said officers, clerks, and ministers respectively, the same shall be approved by the lord archbishop of *Canterbury* and the lord bishop of *London* respectively, as the same may relate to their respective courts, and, if approved by them, shall be submitted to the consideration of his majesty's privy council, who may disallow the same or any part thereof; and notice shall be given in the *London Gazette* of such submission to the privy council; and if within the space of three calendar months from the time of giving such notice, the same shall not be disallowed by the privy council, such altered, new, or additional fees, or such part thereof as shall not be disallowed, shall, from and after the expiration of the said three calendar months, be deemed and taken to be lawful fees, and shall be entered or enrolled as such in the public books or records of the courts to which they respectively relate, and added to the respective tables of fees accordingly.

Power to make alterations or additions in such tables.

Alterations or additions to be approved previous to their enrolment.

IV. And be it further enacted, that the several tables of fees so ordained and established as aforesaid, together with any subsequent alterations that may from time to time be made therein as aforesaid, shall be respectively kept hung up in some conspicuous part of the office or place of business to which they relate; and that extracts from such tables shall be hung up in some conspicuous part of the office or place of business of each officer, clerk, or minister of the

Tables of fees to be hung up in the offices to which they relate.

said several courts respectively, containing such parts thereof as shall concern such officer, clerk, or minister.

Not to extend to fees of proctors.

V. Provided always, and be it further enacted, that nothing in this act contained shall extend to any charges or fees made or received by any proctor of the same courts, or of any of them, in respect of business done by such proctor in his character and profession of proctor only, and not as such officer, clerk, or minister as aforesaid.

Power to make regulations for due performance of duties.

VI. And whereas various important duties are required to be performed by the deputy registrars and clerks of seats in the office of the prerogative court, and by the other officers, clerks, and ministers employed in the registry and in other offices of the several before mentioned courts, the due performance of which it is expedient to regulate and enforce, and to provide for the due qualification of the persons appointed to such offices; be it therefore enacted, that it shall and may be lawful for the said persons for the time being respectively hereinbefore authorized to establish fees, and they are hereby required, forthwith to inquire into the performance of such duties, and from time to time to make such regulations respecting the same, and the performance thereof by the several officers, clerks, and ministers aforesaid, as to them shall seem expedient; which regulations, having been approved and confirmed by the lord archbishop of *Canterbury*, when they relate to the said court of arches, prerogative court, and court of peculiars, or either of them, and having been approved and confirmed by the lord bishop of *London*, when they relate to the said consistory court and commissary court, or either of them, shall be entered or enrolled in the public books or records of the courts to which they shall relate respectively, and shall from the time of such entry or enrolment be in full force with respect to such officers, clerks, and ministers respectively, and binding upon them and each of them.

Appointment of deputy registrars, &c.

VII. And be it further enacted, that from and after the passing of this act no person shall be appointed to the office of deputy registrar, entering clerk, record keeper, clerk of the seats, or examiner in any of the said several courts respectively, unless the appointment of such person to such office shall be previously approved by the judges for the time being of the said several courts respectively, and confirmed by the archbishop of *Canterbury* or bishop of *London*, as such appointment may relate to the respective courts of such archbishop or bishop, such approbation and confirmation to be signified in writing, and to be registered.

As to the appointment of clerks of seats.

VIII. And be it enacted, that no person shall be hereafter appointed clerk of a seat in the office of the said prerogative court unless he be a notary public, and have duly served a clerkship of seven years to a proctor practising as such in one of the said courts; and such clerk of a seat shall execute his duties in person, except when prevented by reasonable cause; and when so prevented, he shall procure the assistance of some other notary public, to be approved by the judge: provided always, that nothing herein contained shall extend or apply to any clerk of a seat in the office of the prerogative court, duly appointed thereto before or at the time of passing this act.

IX. And whereas delay in the progress of causes in the said several courts, and in the high court of delegates, is occasioned by some of the present rules of practice, and particularly by rules respecting causes proceeding in *pœnam contumaciæ*, where the parties cited do not appear; be it therefore enacted, that it shall and may be lawful for the judges for the time being of the said court of arches, prerogative court, court of peculiars, consistory court, and commissary court respectively, from time to time to appoint new and additional court days for the transaction of business in their several courts respectively; which new and additional court days shall, from and after the appointment thereof as aforesaid, be regular court days for the transaction of business, to all intents and purposes; and to make orders of court for expediting and regulating the proceedings in their several courts, and to cause the said orders to be entered or enrolled in the public books or records of the several courts to which they respectively relate, and which, when so entered, shall, until altered or revoked by the same authority, be observed by such courts respectively; and all such orders for the expediting or regulating the proceedings in any causes, as far as the same are applicable to cases of appeal, shall be submitted to the consideration of the lord high chancellor or keeper of the great seal for the time being, who may direct the same and any further order or orders to be observed as rules of practice by the said high court of delegates in all causes to which such rules and orders respectively may relate or be applicable; and which orders, when approved by the lord chancellor or lord keeper for the time being, shall be entered as rules of practice in the register books of the said court of delegates, and be observed as such by the same court accordingly, until altered or revoked by competent authority.

Additional court day may be appointed, and orders made for expediting causes.

X. And whereas great and unnecessary inconvenience and delay are occasioned by the numerous holidays now kept in the office of the said prerogative court; be it therefore enacted, that from and after the passing of this act no holidays shall be kept in the office of the said prerogative court except such as are observed as holidays at his majesty's head office of stamps in *London*.

Holidays.

XI. And whereas great inconvenience arises from the said court of peculiars being held in the vestry room of *Bow* church; be it therefore enacted, that from and after the passing of this act the said court of peculiars shall and may be held in the common hall or place of judicature in *Doctors' Commons*; and that all process from and out of the said court of peculiars shall be returnable at such place in *Doctors' Commons*; and all the business of the said court of peculiars shall be done and transacted in the said place as fully and effectually, to all intents and purposes whatsoever, as if the same had been done and transacted in the said vestry room of *Bow* church; any usage to the contrary notwithstanding.

Court of peculiars may be held in *Doctors' Commons*.

XII. And whereas great inconvenience arises from the ceasing of the functions of the judges and other officers, and the suspension of business in the several courts of the lord archbishop of *Canterbury* and of the bishop of *London* respectively, upon any vacancy of their respective sees; be it therefore enacted, that upon any vacancy of the respective sees of *Canterbury* and *London*, after the passing of

Officers shall continue and business be transacted in the said courts during the vacancy of the sees of *Canterbury* or *London*.

this act, the judges and officers for the time being of the several courts of the said lord archbishop of *Canterbury* and bishop of *London* respectively shall during such vacancy, and until the issuing of new commissions in that behalf, respectively continue to hold their respective offices; and all business in the several offices of such courts respectively shall be transacted and carried on during such vacancy, and shall be as valid and effectual, to all intents and purposes, as if no such vacancy had occurred.

Upon death of judges, the surrogates, &c. to continue until new appointments.

XIII. And be it further enacted, that upon the death of any of the judges of the said several courts, the surrogates and other officers of the said several courts appointed by such judges respectively shall continue to exercise their respective offices until a new appointment shall be made by the persons having competent authority so to do.

2 & 3 WILLIAM 4, CAP. 93.—*An act for enforcing the process upon contempts in the courts ecclesiastical of England and Ireland.*—See Title—"CONTEMPTS IN COURTS ECCLESIASTICAL," vol. ii. p. 381.

Privy council may order discharge of persons in custody under writ de contumace capiendo.

3 & 4 VICTORIA, CAP. 93.—*An act to amend the act for the better regulation of ecclesiastical courts in England.*—Whereas it is expedient to make further regulations for the release of persons committed to gaol under the writ *de contumace capiendo*; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the passing of this act it shall be lawful for the judicial committee of her majesty's most honourable privy council, or the judge of any ecclesiastical court, if it shall seem meet to the said judicial committee or judge, to make an order upon the gaoler, sheriff, or other officer in whose custody any party is or may be hereafter, under any writ *de contumace capiendo* already issued or hereafter to be issued, in consequence of any proceedings before the said judicial committee or the judge of the said ecclesiastical court, for discharging such party out of custody; and such sheriff, gaoler, or other officer shall on receipt of the said order forthwith discharge such party: provided always, that no such order shall be made by the said judicial committee or judge without the consent of the other party or parties to the suit: provided always, that in cases of subtraction of church rate for an amount not exceeding five pounds where the party in contempt has suffered imprisonment for six months and upwards, the consent of the other parties to the suit shall not be necessary to enable the judge to discharge such party, so soon as the costs lawfully incurred by reason of the custody and contempt of such party shall have been discharged, and the sum for which he may have been cited into the ecclesiastical court shall have been paid into the registry of the said court, there to abide the result of the suit; and the party so discharged shall be released from all further observance of justice in the said suit.

Proviso.

Form of order.

II. And be it enacted, that any such order may be in the form given in the schedule annexed to this act.

Act may be amended, &c.

III. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

Schedule.—Warrant of Discharge.

To the sheriff, [gaoler, or keeper, as the case may be],
of in the county of

Forasmuch as good cause hath been shewn to us [or me]
[here insert the description of the judicial committee or judge, as the
case may be,] wherefore *A. B.* of now in your
custody, as it is said, under a writ *de contumace capiendo*, issued out
of [here insert the description of the court out of which the writ
issued], in a suit in which [here insert the description of the parties to
the suit], should be discharged from custody under the said writ; we
[or I], therefore, with the consent of the said [here insert the descrip-
tion of the parties consenting], command you, on behalf of our
sovereign lady the queen, that if the said *A. B.* do remain in your
custody for the said cause and no other, you forbear to detain him
[or her] any longer, but that you deliver him [or her] thence, and
suffer him [or her] to go at large, for which this shall be your
sufficient warrant.

Given under the seal of at the
day of in the year of our Lord

A. B. registrar or deputy registrar
[or, as the case may be.]

5 & 6 VICTORIA, CAP. 58.—*An act for further suspending, until
the first day of October one thousand eight hundred and forty-three,
the operation of the new arrangement of dioceses, so far as it affects the
existing ecclesiastical jurisdictions.*—Whereas an act was passed in the
seventh year of the reign of his late majesty, intituled *an act for*
carrying into effect the reports of the commissioners appointed to con-
sider the state of the established church in England and Wales, with
reference to ecclesiastical duties and revenues, so far as they relate to
episcopal dioceses, revenues, and patronage; and the said act contains
certain temporary provisions relating to the state and jurisdiction of
all the ecclesiastical courts in *England and Wales*: and whereas the
said temporary provisions, having been from time to time continued
by certain other acts of parliament, were further continued, together
with a further provision respecting the visitations of bishops and
archdeacons, and now stand continued by an act passed in the fifth
year of her majesty's reign, intituled *an act to explain and amend two*
several acts relating to the ecclesiastical commissioners for England,
until the first day of *August* next, and, if parliament shall be then
sitting, until the end of the then session of parliament: and whereas
it is expedient that the said temporary provisions, and such further
provisions as aforesaid, should be further continued for a limited
time: be it enacted by the queen's most excellent majesty, by and
with the advice and consent of the lords spiritual and temporal, and
commons, in this present parliament assembled, and by the authority
of the same, that so much of the last recited act as relates to the
said temporary provisions, and to the visitations of bishops and
archdeacons, shall continue and be in force until the first day of
October in the year one thousand eight hundred and forty-three.

II. And be it enacted, that this act may be amended or repealed
by any act to be passed in this session of parliament.

6 & 7 W. 4,
c. 77, secs.
20, 25.

4 & 5 Vict.
c. 39, s. 28.

Existing
ecclesiastical
courts not to
be affected
by diocesan
changes for
another year.

Act may be
amended, &c.
this session.

6 & 7 W. 4,
c. 77.

4 & 5 Vict.
c. 39.

Temporary
provisions
relating to
ecclesiastical
courts and
provision re-
lating to
visitations
continued.

Act may be
amended, &c.

6 & 7 VICTORIA, CAP. 60.—*An act for suspending, until the first day of October one thousand eight hundred and forty-four, the operation of the new arrangement of dioceses, so far as it affects the existing ecclesiastical jurisdictions.*—Whereas an act was passed in the seventh year of the reign of his late majesty, intituled *an act for carrying into effect the reports of the commissioners appointed to consider the state of the established church in England and Wales with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses, revenues, and patronage*, and the said act contains certain temporary provisions relating to the state and jurisdiction of all the ecclesiastical courts in *England and Wales*: and whereas the said temporary provisions, having been from time to time continued by certain other acts of parliament, were further continued, together with a further provision respecting the visitations of bishops and archdeacons, contained in an act passed in the fifth year of her majesty's reign, intituled *an act to explain and amend two several acts relating to the ecclesiastical commissioners for England*, and now stand continued until the first day of *October* next: and whereas it is expedient that the said temporary provisions, and such further provision as aforesaid, should be further continued for a limited time: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said temporary provisions, and the said further provision relating to the visitations of bishops and archdeacons, shall continue and be in force until the first day of *October* in the year one thousand eight hundred and forty-four.

II. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

6 & 7 W. 4,
c. 77.

6 & 7 Vict.
c. 60.

7 & 8 VICTORIA, CAP. 68.—*An act to suspend, until the thirty-first day of December one thousand eight hundred and forty-seven, the operation of the new arrangement of dioceses, so far as it affects the existing ecclesiastical jurisdictions, and for obtaining returns from and the inspection of the registries of such jurisdiction.*—Whereas an act passed in the seventh year of the reign of his late majesty, intituled *an act for carrying into effect the reports of the commissioners appointed to consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses, revenues, and patronage*, contains certain temporary provisions relating to the state and jurisdiction of all the ecclesiastical courts in *England and Wales*: and whereas the said provisions have been from time to time continued by certain other acts of parliament, and were, by an act passed in the last session of parliament, intituled *an act for suspending, until the first day of October one thousand eight hundred and forty-four, the operation of the new arrangement of dioceses, so far as it affects the ecclesiastical jurisdictions*, further continued, and now stand continued until the first day of *October* next, and it is expedient that they should be further continued for a limited time: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said

hereinbefore mentioned provisions shall continue and be in force until the thirty-first day of *December* in the year one thousand eight hundred and forty-seven: provided always, that any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitation of bishops and archdeacons in the places assigned to their respective jurisdiction and authority under or by virtue of the provisions of the said first recited act or of any subsequent act, and any bishop may consecrate any new church or chapel or any new burial-ground within his diocese.

Temporary provisions relating to ecclesiastical courts continued.

II. And be it enacted, that the registrar of every court granting probates and administrations or exercising ecclesiastical jurisdiction, and the registrar of every vicar general or diocese, shall, on or before the twentieth day of *January* in the year one thousand eight hundred and forty-five, make out and transmit to one of her majesty's principal secretaries of state a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall in each of the five next preceding years, each of such years ending on the fifth day of *January*, have been received or become due on account of the judge of such court or vicar general, by virtue of his office as such judge or vicar general, or on account of himself, or (except of surrogates) of any other officer, clerk, or minister of such court or registry, by virtue of his office or employment, specifying the particulars of the payments, disbursements, allowances, and charges respectively constituting the difference between such gross and net amounts, and shall on or before the twentieth day of *January* in every succeeding year transmit a like account for the year ending on the fifth day of *January* in such year; and the several officers, clerks, and ministers of each of the said courts and registries shall render to the registrar thereof all such statements in writing as he may require for the purpose of preparing such account; and such registrar shall transmit the said statements to the said secretary of state at the same time with his aforesaid account; and the said secretary of state may at any time or times require that all or any of the several accounts and statements hereinbefore mentioned shall contain such particulars and be in such form and verified in such manner as to him may seem proper.

Registrars of ecclesiastical courts to make certain returns to secretary of state.

III. And be it enacted, that on or before the twentieth day of *January* in every year the registrar of each of the said several courts and registries shall report in writing to one of her majesty's principal secretaries of state on the state and condition of his registry, and the buildings belonging thereto, and also upon all such other matters connected with such registry, and the documents therein contained, as and in such form as the said secretary of state may from time to time require; and such secretary of state may from time to time call for further or other returns, and may also direct and cause to be made such inspection or survey of any registry as he may think fit.

Registrars to report on state of offices to secretary of state, who may direct surveys.

IV. And be it enacted, that the word "Registrar" when used in this act shall include all registrars and deputy registrars.

Registrar, who to include.

Act may be
amended
this session.

V. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

ECCLESIASTICAL COURTS, IRELAND.

54 GEORGE 3, CAP. 68.—*An act for the better regulation of ecclesiastical courts in Ireland; and for the more easy recovery of church rates and tithes.*—Whereas it is expedient that excommunication, together with all proceedings following thereupon, should in certain cases be discontinued, and that other proceedings should be substituted in lieu thereof; and that certain other regulations should be made in the proceedings of the ecclesiastical courts; and that more convenient modes of recovering tithes and church rates, in certain cases, should be provided; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, excommunication, together with all proceedings following thereupon, shall in all cases, save those hereafter to be specified, be discontinued throughout that part of the united kingdom of *Great Britain and Ireland* called *Ireland*; and that in all causes, which according to the laws of this realm are cognizable in the ecclesiastical courts, when any person or persons having been duly cited to appear in any ecclesiastical court, or required to comply with the lawful orders or decrees, as well final as interlocutory, of any such court, shall neglect or refuse to appear, or neglect or refuse to pay obedience to such lawful orders or decrees; or when any person or persons shall commit a contempt in the face of such court, no sentence of excommunication shall be given or pronounced, saving in the particular cases hereafter to be specified; but instead thereof it shall be lawful for the judges or judge who issued out the citation, or whose lawful orders or decrees have not been obeyed, or before whom such contempt in the face of the court shall have been committed, to pronounce such person or persons contumacious and in contempt, and within ten days to signify the same, in the form to this act annexed, to his majesty in chancery, as hath heretofore been done in signifying excommunications; and thereupon a writ *de contumace capiendo*, in the form to this act annexed, shall issue from the court of chancery, directed to the same persons to whom the writs *de excommunicato capiendo* have heretofore been directed; and the same shall be returnable in like manner as the writ *de excommunicato capiendo* hath been by law returnable heretofore, and shall have the same force and effect as the said writ; and all rules and regulations not hereby altered, now by law applying to the said writ, and the proceedings following thereupon, shall extend and be applied to the said writ *de contumace capiendo* and the proceedings following thereupon, as if the same were herein particularly repeated and enacted; and the proper officers of the said court of chancery are hereby authorized and required to issue such writ *de contumace capiendo* accordingly; and all sheriffs, gaolers, and other officers, are hereby authorized and required to execute the same, by taking

Excommuni-
cation in
certain cases
discontinued

De contu-
mace capi-
endo.

and detaining the body of the person against whom the said writ shall be directed to be executed; and upon the due appearance of the party so cited and not having appeared as aforesaid, or the obedience of the party so cited and not having obeyed as aforesaid, or the due submission of the party so having committed a contempt in the face of the court, the judges or judge of such ecclesiastical court shall pronounce such party absolved from the contumacy and contempt aforesaid, and shall forthwith make an order upon the sheriff, gaoler, or other officer in whose custody he shall be, in the form to this act annexed, for discharging such party out of custody; and such sheriff, gaoler, or other officer shall, on the said order being shewn to him, so soon as such party shall have discharged the costs lawfully incurred by reason of such custody and contempt, forthwith discharge him.

Ecclesiastical courts, not prevented from passing in certain cases, excommunication.

II. Provided always, and be it further enacted, that nothing in this act contained shall prevent any ecclesiastical court from pronouncing or declaring persons to be excommunicate in definitive sentences, or in interlocutory decrees having the force and effect of definitive sentences, such sentences or decrees being pronounced as spiritual censures for offences of ecclesiastical cognizance, in the same manner as such court might lawfully have pronounced or declared the same, had this act not been passed.

Punishment by imprisonment.

III. And be it further enacted, that no person who shall be so pronounced or declared excommunicate, shall incur any civil penalty or incapacity whatever, in consequence of such excommunication, save such imprisonment not exceeding six months as the court pronouncing or declaring such person excommunicate, shall direct; and in such case the said excommunication and the term of such imprisonment shall be signified to his majesty in chancery, in the same manner as excommunications have been heretofore signified; and thereupon the writ *de excommunicato capiendo* shall issue, and the usual proceeding shall be had, and the party being taken into custody shall remain therein for the term so directed, or until he shall be absolved by such ecclesiastical court.

1 G. 2, (1.) c. 12.

IV. And whereas in the first year of king *George* the second, an act was made and passed in that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, intituled *an act for the more easy recovery of tithes and other ecclesiastical dues of small value*: which act was at first temporary, but was by several subsequent acts of parliament in *Ireland* from time to time continued, and was at length made perpetual by an act of parliament made and passed in *Ireland*, in the thirteenth and fourteenth years of the reign of his present majesty, whereby, amongst other things therein enacted, two or more of his majesty's justices of the peace are authorized and required to hear and determine complaints concerning tithes, offerings, ecclesiastical dues or compositions, subtracted or withdrawn, not exceeding forty shillings: and whereas it has become expedient to enlarge such amount, and also to extend the said act to all tithes whatsoever, of a certain limited amount; be it enacted, that such justices of the peace shall, from and after the passing of this act, be authorized and required to hear and determine all complaints concerning tithes, offerings, ecclesiastical dues or com-

13 & 14 G. 3, (1.) c. 41.

Justices empowered to determine tithe causes,

positions, substracted or withdrawn, where the same shall not exceed ten pounds in amount from any one person, in all such cases, and by all such means, and subject to all such provisions and remedies, by appeal or otherwise, as contained in the said act of king *George* the second, concerning tithes, offerings, ecclesiastical dues or compositions, not exceeding forty shillings: provided always nevertheless, that, from and after the passing of this act, one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as in the said act is set forth.

where
amount ex-
ceeds not
£10.

Proviso.

V. And be it further enacted, that, from and after the passing of this act, no action shall be brought for the recovery of any penalty for the not setting out of tithes, nor any suit instituted in any court of equity, or in any ecclesiastical court, to recover the value of any tithes, unless such action shall be brought, or such suit commenced within six years from the time when such tithes became due.

Limitation
of actions.

VI. And whereas in the seventh year of the reign of his present majesty king *George* the third, an act was made and passed in *Ireland*, intituled *an act to continue and amend an act, passed in the third year of his majesty's reign, intituled an act to amend and explain an act, made in the thirty third year of the reign of Henry the eighth, intituled an act for tithes; and for other purposes therein mentioned*; which act of the seventh year of the reign of his present majesty was at first temporary, but was afterwards from time to time continued by subsequent acts of parliament, and at length made perpetual by an act passed in *Ireland*, in the eleventh and twelfth years of the reign of his present majesty, intituled *an act for reviving and continuing several temporary statutes that have lately expired, and for continuing others that are near expiring*; by which said act of the seventh year of the reign of his present majesty, it is enacted, that where any quaker shall refuse to pay, compound for or set out his great or small tithes, or pay any customary or other rights or dues belonging to any church or chapel, which by law or custom ought to be paid, two or more of his majesty's justices of the peace are authorized to hear and determine the same, not exceeding the value of ten pounds: and whereas it is become expedient to enlarge the said sum; be it enacted, that, from and after the passing of this act, all the provisions of the said act of the seventh year of his present majesty, touching quakers, shall be deemed and taken to extend to any value not exceeding fifty pounds: provided always nevertheless, that, from and after the passing of this act, one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as in the said act is set forth.

7 G. 3, (1.)
c. 21.

11 & 12 G. 3,
(1.) c. 10, s. 9.
7 G. 3, (1.)
c. 21, s. 11.

Provisions
of 7 G. 3,
touching
Quakers
extended to
£50.

One justice
competent.

VII. And whereas it is expedient that church rates or parish cesses of limited amount unduly refused or withheld, should in certain cases be more easily and speedily recovered; be it enacted, that, from and after the passing of this act, if any one duly rated to a church rate or parish cess, the validity whereof has not been questioned in any ecclesiastical court, shall refuse or neglect to pay the same sum at which he is so rated, it shall and may be lawful for any one justice of the peace of the same county, county of a city or

Church rates
and parish
cesses.

town corporate, where the church is situated, in respect whereof such rate or parish cess shall have been made, upon the complaint of any churchwarden or churchwardens who ought to receive and collect the same, by warrant under the hand and seal of such justice, to convene before any two or more of such justices of the peace, any person so refusing or neglecting to pay such rate or parish cess, and to examine upon oath (which oath the said justices are hereby empowered to administer) into the merits of the said complaint, and by order under their hands and seals to direct the payment of what is due and payable in respect of such rate or cess, so as the sum ordered and directed to be paid as aforesaid do not exceed ten pounds over and above the reasonable costs and charges to be ascertained by such justices; and upon refusal or neglect of such party to pay according to such order, it shall and may be lawful for any one of such justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, together with the amount of such costs and charges, by distress and sale of the goods of such offender, his executors or administrators, rendering only the overplus to him or her, the necessary charges of distraining being thereout first deducted and allowed by the said justices; and any person finding him or herself aggrieved by any judgment given by two or more such justices, may appeal to the next general quarter sessions to be held for the county, county of a city or town corporate, wherein the church is situated, in respect whereof such rate or cess shall have been made; and the justices of the peace then present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment if they shall see cause; and if the justices then present, or the major part of them, shall find cause to affirm the judgment given by the first two or more justices, the same shall be decreed by order of sessions, with costs against the appellant, to be levied by distress and sale of the goods and chattels of the said party appellant: provided always, that in case any such appeal be made as aforesaid, no warrant of distress shall be granted until after such appeal be determined: provided also, that nothing herein contained shall extend to alter or interfere with the jurisdiction of the ecclesiastical courts to hear and determine causes touching the validity of any church rate or cess, or from proceeding to enforce the payment of any such rate or cess, if the same shall exceed the sum of ten pounds from the party proceeded against: provided likewise, that if the validity of such rate or cess, or the liability of the person from whom it is demanded to pay the same be disputed, and the party disputing the same give notice thereof to the justices, the justices shall forbear giving judgment thereupon; and the person or persons demanding the same may then proceed to the recovery of their demand, according to the course of law as heretofore used and accustomed: provided also, that nothing herein contained shall extend to alter, change or make void any clause, matter or thing respecting the rebuilding and repairing of churches contained in a certain act of parliament made and passed in *Ireland*, in the twelfth year of the reign of king *George* the first, intituled *an act for the more effectual erecting and better regulating of free schools; and for rebuilding and repairing of churches.*

Distress.

Appeal.

Proviso.

Proviso.

Proviso.

Proviso for
12 G. 1, (I.)
c. 9.

VIII. And whereas by the aforesaid in part recited act, passed in *Ireland* in the seventh year of the reign of his present majesty, it is enacted, that where any person or persons are condemned in any sum or sums of money for predial tithes or costs of suit, in any such cause (as in the act mentioned), and the party so condemned shall refuse or neglect, after service of a monition for that purpose from the court where such sentence is or shall be given, and proof made upon oath of the due service thereof, by the space of fifteen days after such service, to satisfy and pay to the party obtaining such sentence, such sum or sums as shall be so decreed, it shall and may be lawful for the person or persons so obtaining such sentence or sentences, their executors or administrators, to sue for the money so decreed, by civil bills, before the next going judges of assize for the county where the parties against whom such sentence was pronounced shall reside, or in any other court where civil bills are or shall be allowed to be brought, in such manner as suits by civil bills are now allowed to be brought, so as the same do not exceed the sum of twenty pounds: and whereas an act was made and passed in *Ireland*, in the twenty-seventh year of the reign of his present majesty, intituled *an act for the better execution of the law and preservation of the peace within counties at large*; by virtue of which act, a barrister at law, of six years standing at least, was appointed to act as a constant assistant to the justices at every session of the peace in each county in *Ireland*: and whereas an act was made and passed, in *Ireland*, in the thirty-sixth year of the reign of his present majesty, intituled *an act for the better and more convenient administration of justice, and for the recovery of small debts in a summary way, at the sessions of the peace of the several counties at large within this kingdom (except the county of Dublin), and for continuing and amending an act intituled an act for the better execution of the law and preservation of the peace within the counties at large*; and it is by said act enacted, that the aforesaid assistant barristers be authorized and empowered, at the general sessions or quarter sessions of the peace in their respective counties, to hear and determine in a summary way, by *English* bill or paper petition usually called a civil bill, among other actions therein recited, all actions or monitions issuing from ecclesiastical courts, for nonpayment of sums in which the parties shall have been condemned in such ecclesiastical courts for predial tithes or costs of suit, according to the provisions of the hereinbefore in part recited act of the seventh year of the reign of his present majesty; and that the said assistant barristers shall respectively be the sole and exclusive judges in such courts of general and quarter sessions of the peace, for hearing and determining in a summary way by *English* bill or paper petition usually called a civil bill, such causes as they are empowered as aforesaid to hear and determine, in like manner as the chairman of the county of *Dublin* now is: and whereas an act was made and passed, in *Ireland*, in the thirty-ninth year of the reign of his present majesty, intituled *an act for the further amendment of an act passed in the thirty-sixth year of the reign of his majesty king George the third, intituled an act for the better and more convenient administration of justice, and for the recovery of small debts in a summary way, at the sessions of the peace within this kingdom*

7 G. 3, (1.)
c. 21, s. 6.

27 G. 3, (1.)
c. 40, s. 15.

36 G. 3, (1.)
c. 25.

Sec. 6.

39 G. 3, (1.)
c. 16.

Sec. 3.

2 G. 1, (I.)
c. 11.Amount of
decrees on
monitions by
chairman of
Dublin ex-
tended.7 G. 3, (I.)
c. 21.Regulation
for proctors.

(except the county of Dublin); and for continuing and amending an act for the better execution of the law and preservation of the peace within counties at large; by which act it is enacted, that it shall and may be lawful for the aforesaid assistant barristers, at all times hereafter, to make decrees on all monitions issuing out of ecclesiastical courts, without any limitation on account of the sum therein contained: and whereas the chairman of the county of *Dublin* is always one of his majesty's judges or counsel learned in the law, who, with the justices of the peace for the county of *Dublin*, holds the general quarter sessions of the peace for the said county; and the said chairman of the county of *Dublin* is, by an act of parliament made and passed in *Ireland*, in the second year of the reign of king *George* the first, intituled *an act for reviving and amending an act, intituled an act for recovering of small debts in a summary way, before the judges of assize*, authorized and empowered to exercise a full civil bill jurisdiction, at the general quarter sessions for the said county, but he cannot make a decree for any greater sum on a monition issuing out of an ecclesiastical court than the sum of twenty pounds; and it is expedient that he should have the same power and authority to make decrees on monitions issuing out of the metropolitical and consistorial court of the diocese of *Dublin*, within the county of *Dublin*, as the aforesaid assistant barristers are invested with, in the manner before mentioned, in their respective counties; be it therefore enacted, that it shall and may be lawful for the chairman of the sessions of the peace for the county of *Dublin*, and he is hereby authorized and empowered, to hear and determine in a summary way, by *English* bill or paper petition usually called a civil bill, all actions on monitions issuing from the metropolitical and consistorial court of the diocese of *Dublin*, for nonpayment of sums in which the parties shall have been condemned in the said ecclesiastical court, for predial tithes issuing, growing and increasing within the said county of *Dublin*, and costs of suit, according to the provisions of the hereinbefore in part recited act of the seventh year of the reign of his present majesty, without any limitation respecting the amount of the sum therein contained.

IX. And be it further enacted, that, from and after the passing of this act, if any proctor of his majesty's court of prerogative in *Ireland*, or of the consistorial and metropolitical courts of *Armagh* and *Dublin*, or of any other ecclesiastical court or courts in *Ireland*, in which he shall be entitled to act as proctor, shall act as such, or permit and suffer his name to be in any manner used in any suit, the prosecution or defence whereof shall appertain to the office of a proctor, or in obtaining probates of wills, letters of administration or marriage licences, to or for or on account or for the profit and benefit of any person or persons not entitled to act as a proctor, or shall permit or suffer any such person or persons to demand or participate in such profit and benefit, and complaint thereof shall be made in the court or courts wherein such proctor hath been admitted and enrolled, and proof given to the satisfaction of the said court or courts that such proctor hath offended therein as aforesaid; then and in such case every such proctor so offending, shall be struck off the roll of proctors, and be for ever after disabled from practising as a proctor,

or be suspended from the office, functions and practice of a proctor, in all and every the said court or courts, for so long a period as the judge or judges of the said court or courts may deem fit; save and except as to any allowance or allowances, sum or sums of money that are or shall be agreed to be made to the widows or children of any deceased proctor or proctors, by any surviving partner or partners of such deceased proctor or proctors; and also save and except as to any agreement made or understood to have been made between proctors and articted clerks, whose articles have been executed prior to the passing of this act.

X. And be it further enacted, that, from and after the passing of this act, in case any person or persons shall, in his or in their own name, or in the name of any other person or persons, make, do, act, exercise or perform any act, matter or thing whatsoever, in any way appertaining or belonging to the office, function or practice of a proctor, for or in consideration of any gain, fee or reward, or with a view to participate in the benefit to be derived from the office, functions or practice of a proctor, without being admitted and enrolled, every such person for every such offence shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in manner herein-
Acting, &c. as proctor without being admitted, &c.
Penalty.

XI. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to any salary which shall be agreed to be paid by a proctor, his partner or successor, to a clerk really and *bona fide* serving in his office, at the time of the passing of this act, and who shall have been *bona fide* serving in the office of any proctor or proctors, for seven years next before the passing of the same.
Clerks.

XII. And be it further enacted, that all pecuniary forfeitures and penalties, imposed on any person or persons, for offences committed against this act, shall and may be sued for and recovered in any of his majesty's four courts in the city of *Dublin*, by action of debt, bill, plaint or information; wherein no essoin, protection, privilege, wager of law or more than one imparlance shall be allowed; and wherein the plaintiff if he or she shall recover any penalty or penalties, shall receive the same for his or her own use, with full costs of suit.
Recovery of penalties.
Costs.

XIII. And be it further enacted, that if any action or suit shall be brought or commenced for any thing done in pursuance of this act, every such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards; and shall be laid and tried in the city or county wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of this act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other city, county or place than as aforesaid, then the judge shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of their action or suit, after the defendant or defendants shall have appeared;
Limitation of actions.
General issue.

or if, upon demurrer, judgment shall be given against the plaintiff
 Treble costs. or plaintiffs, the defendant or defendants shall have treble costs, and
 shall have such remedy for the same as any defendant or defendants
 hath or have for costs of suit in any other case by law.

To extend to
 Ireland only. XIV. Provided always, that nothing in this act contained shall
 extend or be construed to extend to any part of the united kingdom
 except *Ireland*.

Schedules to which this act refers.

Schedule (A.) *Significavit, party being contumacious and in contempt.*

To his most excellent majesty and our sovereign lord *George* the
 third by the grace of God, of the united kingdom of *Great Britain*
 and *Ireland*, king, defender of the faith, by divine
 providence [*or, permission, as the case may be*]
 health in him by whom kings and princes rule and govern; we
 hereby notify and signify unto your majesty, that one
 in the county of hath been duly pronounced guilty
 of manifest contumacy and contempt of the law and jurisdiction
 ecclesiastical, in not [*as the case may be*] appearing before [*here set*
out the style of the ecclesiastical judge, or his representative] or, in not
 obeying the lawful commands [*here set out the commands*] of [*such*
judge or representative] or, in having committed a contempt in the
 face of the court of [*such judge or representative*] lawfully authorized
 by [*here set out the nature and manner of such contempt*] on a day
 and hour now long past, in a certain cause of [*here set out the nature*
of the cause and the names of the parties to the same] we therefore
 humbly implore and entreat your said most excellent majesty would
 vouchsafe to command the body of the said to be
 taken and imprisoned for such contumacy and contempt.

Given under the seal of our courts, the
 day of

A. B. registrar [*or deputy registrar, as the case may be*].

Schedule (B.)—*Writ de contumace capiendo.*

George, &c. To the sheriff greeting :
 the hath signified to us, that
 of in your county of
 is manifestly contumacious, and contemns the jurisdic-
 tion and authority of [*here fully state the nonappearance, disobedience,*
together with the commands disobeyed, or, the contempt in the face of
the court, as the case may be], nor will he submit to the ecclesiastical
 jurisdiction; but forasmuch as the royal power ought not to be
 wanting to enforce such jurisdiction, we command you, that you
 attach the said by his body, until he shall have
 made satisfaction for the said contempt: and how you shall execute
 this our precept, notify unto and in no wise omit
 this; and leave you there this writ.

Witness day of in the
 year of our reign.

Given under our seal of our _____ of _____
A. B. registrar [or, deputy registrar, as the case may be.]

of

A. B. registrar [or, deputy registrar, as the case may be.]

Extracted by *E. F. proctor.*

5 GEORGE 4, CAP. 27.—*An act to explain and amend an act of the parliament of Ireland, passed in the thirty-eighth year of the reign of his majesty king George the third, for the better ascertaining the amount, and securing the payment of the bills of costs of proctors, employed in carrying on and defending suits, and transacting business in the high court of admiralty, in his majesty's court of prerogative, in the court of delegates, and in all ecclesiastical courts within the kingdom of Ireland.*—

38 G. 3, (I.)

Proctors of courts in Ireland may

write their bills of costs, &c. in the English language.

aforesaid courts in *Ireland* to write his bills of fees, charges and disbursements, with such abbreviations as are now commonly used, in the *English* language; any thing in any former law to the contrary notwithstanding.

The offices of judge of the prerogative and faculty courts in *Ireland* shall be considered and held as one office.

Fees shall not be received for the use of the judge, but shall be applied to the public service.

Salary of £3,000 to be paid to the said judge out of the consolidated fund, by quarterly payments.

7 & 8 GEORGE 4, CAP. 44.—*An act to provide for the payment of a salary (in lieu of fees) to the judge of the prerogative court and court of faculties in Ireland.*—Whereas the offices of judge or commissary of his majesty's court of prerogative for causes ecclesiastical, and commissary of his majesty's court of faculties, in and throughout the whole of that part of the united kingdom called *Ireland*, are judicial offices, and have always hitherto been held and enjoyed by one and the same person: and whereas it is expedient that provision should be made for the payment of a certain annual salary to the judge or person holding or who shall hold the said offices jointly, and that such salary should be in lieu of all fees and emoluments whatsoever receivable by such judge or person, and that all such fees should be applied to the public use; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, the office of judge or commissary of his majesty's court of prerogative for causes ecclesiastical, and the office of commissary of his majesty's court of faculties, in and through that part of the united kingdom called *Ireland*, both which offices are held and enjoyed by the present judge or commissary thereof, shall from thenceforth for ever continue to be jointly held and enjoyed by one and the same person, and shall from time to time for ever be granted and held as one office, and that the person holding such office shall be styled the judge or commissary of his majesty's court of prerogative for causes ecclesiastical and court of faculties in and throughout *Ireland*; and that no fees or pecuniary profits whatever, other than and except the salary permitted by this act, shall, from and after the fifth day of *July* one thousand eight hundred and twenty-seven, be received by or shall be payable to or to the use of the person holding or who shall hold the said office in respect of the execution of the said office, any act or acts of parliament, or any law, usage, or custom to the contrary in anywise notwithstanding; and that from and after the said fifth day of *July* one thousand eight hundred and twenty-seven, all fees and pecuniary profits heretofore payable to the use of the holder of the office or offices aforesaid, shall be collected and applied to the public service in manner hereinafter mentioned and directed.

II. And be it further enacted, that from and after the fifth day of *July* one thousand eight hundred and twenty-seven, there shall be issued and paid and payable to the judge or commissary of his majesty's court of prerogative and court of faculties aforesaid for the time being, out of and charged and chargeable upon the consolidated fund of the united kingdom of *Great Britain* and *Ireland*, after paying and reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the said consolidated fund, but with preference to all other payments which shall or may be hereafter charged upon or

payable out of the said fund, the annual sum of three thousand pounds; and the said sum of money to be issued in pursuance of this act shall from time to time thenceforth be payable and paid quarterly, free and clear of all taxes and deductions whatsoever, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, the first payment thereof to be made on the tenth day of *October* one thousand eight hundred and twenty-seven.

III. Provided always, and be it further enacted, that whenever any person holding the office of judge or commissary of his majesty's court of prerogative and court of faculties aforesaid shall during the course of any quarter resign his said office, or shall die, then the person so resigning the said office, or the executors or administrators of such person so dying (as the case may be), shall be entitled to such proportionable part of the said salary as shall have accrued during such part of the said quarter as such person shall have executed such office as aforesaid: and every judge or commissary of his majesty's court of prerogative and court of faculties, to be appointed at any time after the said fifth day of *July* one thousand eight hundred and twenty-seven, shall, on the quarter day next after his appointment, be entitled to have and receive, out of the said consolidated fund, such proportion of the said salary as shall have arisen from the date of his appointment.

A proportion of the quarter's salary to be payable on resignation or death, and on new appointment.

IV. And be it further enacted, that from and after the fifth day of *July* one thousand eight hundred and twenty-seven, the judge or commissary of his majesty's said court of prerogative and court of faculties shall not practise or be capable of practising as a barrister or advocate in any court or place, or in conveyancing or giving opinions, or in any other manner whatsoever as a barrister or advocate.

Judge of the said court shall not practise as a barrister or advocate.

V. And be it further enacted, that the respective registrars or deputy registrars of his majesty's court of prerogative and court of faculties in and throughout *Ireland* shall, from and after the said fifth day of *July* one thousand eight hundred and twenty seven, receive and collect all the fees belonging to the said office of judge or commissary of the court of prerogative and court of faculties respectively, and shall, within fourteen days after the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July* in each and every year, deliver, into the office of his majesty's commissioners for auditing the public accounts in *Ireland* for the time being, an account, signed by such registrars or deputy registrars respectively, of all fees received by such registrars, or deputy registrars respectively by virtue of this act, for the quarter ending on such tenth day of *October*, fifth day of *January*, fifth day of *April*, and fifth day of *July* respectively, vouched and verified by an affidavit at the foot of such account by such registrar or deputy registrar, to be sworn before any master in chancery, who is hereby authorized and required to administer the oath for that purpose; and in case of the death of any such registrar or deputy registrar respectively, then their executors or administrators shall, within six calendar months next after their deaths respectively, deliver in like manner to the said commissioners for auditing

Registrars shall deliver quarterly, to the auditors of public accounts, an account of fees received, and pay the amount into the exchequer, to be carried to the consolidated fund.

the public accounts, an account, signed by such executors or administrators respectively, of all fees received by such registrars or deputy registrars, from the latest day which he or they shall have so accounted to his or their death, which account shall be verified in like manner by such executors or administrators, or some or one such executor or administrator; and it shall be lawful for the said commissioners for auditing the public accounts, or the major part of them, and they are hereby authorized and required to inquire into and to audit and settle, with all convenient speed, every such account so delivered in, and to verify, under their hands, the balance due thereon; and every such registrar or deputy registrar, or his executors or administrators, having assets, shall, within six days after each such account respectively shall be so audited and certified, pay into the receipt of his majesty's exchequer in *Ireland*, according to the course of the said exchequer, all such sum and sums of money as shall be so certified as the balance in his or their hands, which payment shall thereupon be carried to and made part of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

Penalty on not accounting for or paying fees, £20 per cent. on the amount.

VI. And be it further enacted, that in case any such registrar or deputy registrar of his majesty's court of prerogative and court of faculties in *Ireland* as aforesaid, or his executors or administrators, shall at any time or times neglect or make default in delivering in such account as hereinbefore directed to the said commissioners for auditing the public accounts, within the periods aforesaid respectively specified for that purpose, or in paying into the said exchequer such balance as aforesaid, within the said space of six days after such auditing, then and in every such case such registrar or deputy registrar, or such executors or administrators, having assets sufficient to make such payment, shall pay into the said exchequer, together with such balance, interest for the same at the rate of twenty pounds *per centum* from the expiration of the said period of six days, until such balance shall be paid in as aforesaid.

Acquittance from the exchequer shall be produced to the commissioners for auditing the public accounts.

VII. And to the end that the payment of such balance may be ascertained, be it further enacted, that upon payment of such balance an acquittance or discharge for the same shall be signed by the proper officer in the exchequer, which shall be produced and exhibited by the said respective registrars or deputy registrars to the said commissioners for auditing the public accounts within one calendar month from the date thereof, or at the time of the presenting the ensuing quarter's account, whichever shall first happen, or by the executors or administrators of any such registrar or deputy registrar within three calendar months from the date thereof; and the said commissioners for auditing the public accounts are hereby required to demand such acquittance or discharge, and to have the same produced to them, before they shall audit and certify any subsequent account for any such registrar or deputy registrar in manner hereinbefore directed.

2 & 3 WILLIAM 4, CAP. 93.—*An act for enforcing the process upon contempts in the courts ecclesiastical of England and Ireland.*—See Title—"CONTEMPTS IN COURTS ECCLESIASTICAL," vol. ii. p. 381.

3 & 4 VICTORIA, CAP. 93.—*An act to amend the act for the better regulation of ecclesiastical courts in England.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 14.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

ECCLESIASTICAL COURTS, EAST INDIES.

39 & 40 GEORGE 3, CAP. 79, SECS. 21 & 22.—*An act for establishing further regulations for the government of the British territories in India, and the better administration of justice within the same.*

XXI. Whereas great inconveniences have arisen from the practice of granting letters of administration by the said supreme court of judicature at *Fort William* aforesaid, in cases where the next of kin, or any of the creditors of the deceased, do not apply for the same, to persons calling themselves friends of the deceased; be it therefore further enacted, that, from and after the first day of *March*, which will be in the year of our Lord one thousand eight hundred and one, whenever any *British* subject shall die intestate within either of the presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the territories subordinate to either of the said presidencies, or to become subordinate thereto, and on return of the citation to be issued from the proper ecclesiastical court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased to the satisfaction of the said court, it shall and may be lawful for the register of such court respectively, and he is hereby required to apply for, and such court is hereby required and directed to grant such letters *ad colligenda* or of administration, as to such court shall seem meet, by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such court, and account for them regularly, in like manner as is now by law provided in cases where assets are vested in the hands of any officer of the court, under or by virtue of the equitable jurisdiction of any such court.

From March 1, 1801, whenever any British subject shall die within either of the presidencies or subordinate territories, and no next of kin or creditor shall appear, the registrar of the ecclesiastical court shall apply for letters of administration, and shall collect the assets of the deceased, and bring them into court, and account for them.

XXII. Provided always, and be it further enacted, that when any next of kin or creditor, who, at the time of the return of the above citation, shall have been absent in *Europe* or elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters *ad colligenda* or of administration, granted by virtue of this act to the said register, shall be recalled, and administration in due form granted to such next of kin or creditor respectively.

When any next of kin, or creditor, who shall have been absent shall make out his claim, the letters of administration to the claimant.

registrar shall be recalled, and letters granted to

55 GEORGE 3, CAP. 84, SECS. 2—5.—*An act to amend so much of an act of the thirty-third year of his present majesty, as relates to fixing the limits of the towns of Calcutta, Madras and Bombay; and also so much of an act of the thirty-ninth and fortieth year of his present majesty, as relates to granting letters of administration to the effects of persons dying intestate within the several presidencies in the East Indies, to the registrar of the ecclesiastical courts; and to enable the governor in council of the said presidencies to remove persons not being British subjects; and to make provision for the judges in the East Indies in certain cases.*

II. Whereas by an act passed in the thirty-ninth and fortieth year of the reign of his present majesty, intituled *an act for establishing*

39 & 40 G. 3, c. 79.

Sec. 21.

Letters of administration to attornies of executors.

Letters of administration to registrar void.

Proviso.

further regulations for the government of the British territories in India, and for the better administration of justice within the same, it was enacted, among other things, that whenever any *British* subject should die intestate, within either of the presidencies of *Fort William, Fort Saint George or Bombay*, or the territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper ecclesiastical court, no next of kin or creditor should appear and make out their claim to the administration of the effects of the intestate to the satisfaction of the said court, it should and might be lawful for the registrar of such court, and he was thereby required to apply for, and such court was thereby directed to grant letters *ad colligenda* or of administration, to such registrar, in manner as the said act set forth: and whereas the said act doth not expressly provide for the cases of executors or administrators, or persons entitled to administration, as hereinafter mentioned, not resident within the jurisdiction of such courts, who may have appointed attornies resident or being therein; and it hath been doubted whether the said courts were not required under the said act, to grant letters *ad colligenda* or of administration to their registrars, in preference to attornies so appointed; and it is fit that such doubts be removed; be it therefore enacted and declared, that when the executor or administrator lawfully appointed, or the person entitled to administration as next of kin or residuary legatee with the will annexed, of any person deceased, whose effects shall be subject to the jurisdiction of any of the said courts in respect to the granting of administration, not being resident within the jurisdiction of such court, shall have appointed or shall hereafter appoint, either by power of attorney under seal, or by any other sufficient authority, to be shewn to the satisfaction of the said court, any person or persons resident or being within such jurisdiction to act for such executor or administrator, or person entitled to administration as aforesaid, in collecting or administering in any manner the effects of the deceased, the person or persons so appointed shall be entitled to obtain letters *ad colligenda* or of administration, either general or special, as the tenor of such authority and the nature of the case may require, preferably to the registrar of such court, and all other persons to whom such executor or administrator, or persons entitled as aforesaid would have had a preferable claim, if personally resident within the jurisdiction of the said court.

III. And be it further enacted, that where any such letters *ad colligenda* or of administration shall have been granted to the registrar of such court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other letters to such person or persons, the letters so granted to such registrar shall be revoked, unless it shall appear to the said court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application: provided always, that when any letters *ad colligenda* or of administration shall have been actually granted to the registrar of any such court by virtue of the act hereinbefore recited, and shall be revoked on the application of such attorney or attornies as aforesaid, it shall be lawful for such court, if

they shall think fit, to direct that the whole or part of any commission, in respect to the administration of assets which may arise or become due by virtue of any reasonable custom, obtaining within the jurisdiction of such court, shall be allowed to such registrar out of any assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said registrar in the collection of such assets: *pro-* Proviso.
vided also, that nothing in this act contained shall be construed to render necessary the taking out of letters *ad colligenda* or of administration from any of the courts aforesaid, by any such attorney or attornies, otherwise than it would have been if this act had not been made; and that no claim or right to any such commission in respect of administration of effects as aforesaid, shall be deemed to accrue to any such attorney or attornies by reason of letters *ad colligenda* or administration, taken out by him or them in virtue of such authority as aforesaid, nor any other or further commission than would have been payable to him or them as agents, either according to the usual and reasonable rates of such an agency, or by special agreement.

IV. Provided also, and be it further enacted, that this act shall not, nor shall any thing herein contained, in anywise prejudice or affect the rights, claims, actions, suits or appeals of any person or persons being entitled or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or probates of any will or wills, codicil or codicils, or letters *ad colligenda* or of administration of the goods, chattels and effects of any person or persons who shall have died before the passing of this act; nor the rights, claims, actions, suits or appeals of any person or persons claiming or suing, or to claim or sue for the recall or repeal of any letters *ad colligenda* or of administration, granted of the goods, chattels or effects of any person or persons who shall have died before the passing of this act, which may have been or shall be granted to any such registrar as hereinbefore mentioned; nor to the rights, claims, actions, suits or appeals of any person or persons claiming or to claim as executors, legatees, or next of kin of any person or persons who shall have died before the passing of this act, in any way relating to the goods, chattels, property, estate or effects of such deceased person or persons, or to the transactions, acts, deeds, neglects, defaults, intermeddlings or accounts of any such registrar relating to any such goods, chattels, property, estate or effects, or under or by pretence of any letters *ad colligenda* or of administration, which may have been granted to him; nor in any way to entitle any such registrar to any commission, compensation or allowance in respect of any thing done or to be done by him in relation to the goods, chattels, debts, credits, estate or effects of any person or persons who shall have died before the passing of this act, which he would not have been entitled to if this act had not been passed; but every person being entitled to or claiming any such probate or probates, letters *ad colligenda* or of administration, or to have any such letters *ad colligenda* or of administration, recalled or repealed, or having or being entitled to or claiming or to claim any such cause or causes of action, suit or appeal, shall be entitled thereto, and all

Not to affect rights of persons entitled to probates of wills or administration of effects of persons deceased before passing of act, &c.

benefit and advantage thereof, and to prosecute and carry on the same, in the same manner as he, she or they would have been entitled if this act had not been passed.

Registrar,
when ap-
pointed ad-
ministrator,
to enter in
book sepa-
rate accounts

V. And be it further enacted, that in all cases in which the registrar of any of the said courts shall be appointed administrator under the aforesaid act, besides filing an inventory and account current according to the tenor of the administration bond and the usual course of the ecclesiastical court, he shall enter into a book to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things, as shall come to his hands, or to the hands of any persons employed by him, or in trust for him by virtue of any letters *ad colligenda* or of administration granted to him under the authority of the said act, and likewise of all payments made by him for or on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said book shall be kept in the registrar's office, and shall be open for the inspection of all such persons, practitioners in the said courts or others, as may have occasion to inspect the same, at office hours, paying such reasonable fee as may be fixed therefore by the said courts, and no more; and the said registrars shall twice in every year; that is, on the first day of *March* and the twenty-second day of *October*, or on the first day after those days on which their respective courts shall be sitting, exhibit and deliver in open court, a true and perfect schedule of all sums of money, bonds or other securities, received on account of each estate remaining under their charge, together with the payments made thereout, and the balances; and also of all administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last schedule, specifying the amount of such balances, and the persons to whom paid; which schedule shall be filed of record in the said courts, and shall within fourteen days afterwards be published in the gazettes of the presidencies within which such courts are respectively situated, by the said registrar, who shall likewise cause copies thereof, in triplicate, to be delivered to the chief secretary at such presidency, and the same shall be transmitted by the respective governments at such presidencies to the court of directors of the *East India* company, who, upon the receipt thereof, shall cause the same to be published in the *London Gazette*.

Registrars
to exhibit
schedule of
money, &c.
received on
account of
estates under
their charge,
&c.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1814.

ECCLESIASTICAL DISTRICTS.

2 & 3 VICTORIA, CAP. 49.—*An act to make better provision for the assignment of ecclesiastical districts to churches or chapels augmented by the governors of the bounty of queen Anne; and for other purposes.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 155.

5 & 6 VICTORIA, CAP. 65.—*An act to divide the forest of Dean in the county of Gloucester into ecclesiastical districts.*—Whereas her majesty's forest of *Dean* in the hundred of *Saint Briavel's* in the county of *Gloucester* is extra-parochial, and contains a population of ten thousand persons and upwards, and it is expedient that such part thereof as is after mentioned should be divided into ecclesiastical districts, in order to enable the spiritual persons who may serve the churches or chapels therein to perform all ecclesiastical duties within such districts, and for the due ecclesiastical superintendence of such districts, and the preservation and improvement of the religious and moral habits of the persons residing therein: and whereas three churches or chapels have been built within the said forest, which have been set apart and consecrated for the performance of divine service according to the rites and ceremonies of the united church of *England* and *Ireland* as by law established (that is to say), *Christchurch* chapel, *Holy Trinity* chapel, and *Saint Paul's* chapel; and it is intended to build a church or chapel for the performance of divine service, according to the rites and ceremonies of the said united church aforesaid, at or near *Cinderford* in the said forest, by and out of funds subscribed or to be subscribed by certain well-disposed individuals: and whereas *Christchurch* chapel was built from funds voluntarily contributed; and the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy having granted certain monies to the said chapel, part of the same were invested in lands by the said governors for the augmentation of the endowment of the said chapel, and the remainder was invested by the said governors, in their names, in the purchase of the sum of one hundred and seventeen pounds thirteen shillings and seven-pence three *per centum* reduced bank annuities, for the augmentation of the endowment of the said chapel: and whereas the annual income of the said chapel, after deducting the usual outgoings, is one hundred and eighteen pounds ten shillings and six-pence, or thereabouts: and whereas the chapel of the *Holy Trinity* was built from funds collected by voluntary contributions, and was augmented by the said governors with the sum of two thousand two hundred pounds out of the parliamentary grant, to which the sum of one hundred pounds was added by the minister of the said chapel, and the sum of one hundred pounds was added by the *Pynecombe* charity, and the further sum of three hundred pounds was added by the governors of the bounty of queen *Anne*, making together the sum of two thousand seven hundred pounds, which was invested in the purchase of three thousand and fifty-five pounds three shillings

The commis-
sioners for
building new
churches to
divide the
forest of
Dean into
ecclesiastical
districts.

and two-pence three *per centum* reduced bank annuities, now standing in the names of the said governors, producing annually the sum of ninety-one pounds thirteen shillings: and whereas *Saint Paul's* chapel was built from funds voluntarily contributed, and the endowment of the minister thereof consists of the sum of two thousand four hundred and eighty-nine pounds seven shillings and ten-pence three *per centum* reduced bank annuities, standing in the names of the governors of the bounty of queen *Anne*, producing an annual income of seventy-four pounds thirteen shillings and sixpence: and whereas five acres of land, parcel of the hereditary revenues of the crown, were granted to trustees for the purposes of the sites of each of the said three chapels and the burial-grounds thereof respectively, and for the sites of the residences of the ministers thereof, and otherwise for their benefit respectively: and whereas in the year one thousand eight hundred and thirty the sum of eight hundred and forty-three pounds fifteen shillings sterling was invested by the commissioners of his majesty's woods, with consent of the commissioners of the treasury, in the purchase of the sum of one thousand pounds three *per centum* consolidated bank annuities, in the names of the then first commissioner of his majesty's woods and the bishop of *Gloucester*, upon trust for the purpose for ever thereafter to apply the dividends of such stock towards the repairs of the fabrics of the said three chapels so built as aforesaid: and whereas on the endowing the said chapel of *Saint Paul* the right of presentation of the minister thereto was reserved to the bishop of *Gloucester* for the time being, and the said chapel is now served by a minister or curate appointed by the said bishop: and whereas the right of patronage or nomination to the said chapels of *Christchurch* and *Holy Trinity* is now vested in the right honorable *Nicholas* baron *Bexley*, and the right honorable *George Gough* baron *Calthorpe*, and the reverend *Charles Bryan* clerk, the majority of whom, in consideration of the addition to the endowment to the said chapels by virtue of this act, have consented that the patronage of the said chapels shall for ever hereafter be vested in her majesty, her heirs and successors: and whereas, in order to provide a decent maintenance for the ministers of the said three chapels so built, and of the said chapel intended to be built at *Cinderford*, it is expedient that the commissioners of her majesty's woods, forests, land revenues, works, and buildings for the time being, for and on behalf of her majesty, should be authorized to make such additional endowments to the said three chapels, so as to make up the net annual income of the ministers thereof respectively to the annual sum of one hundred and fifty pounds, as after mentioned, and also to endow the said chapel to be built at *Cinderford* with the annual sum of one hundred and fifty pounds, as after mentioned: may it therefore please your majesty that it may be enacted; and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that her majesty's commissioners for building new churches shall, within two years from the passing of this act, with the consent of the bishop of *Gloucester* and *Bristol* for the time being (within whose diocese the

said forest is), and of any two of the commissioners of her majesty's woods, forests, land revenues, works, and buildings, to be signified in writing under their hands and seals, divide all such part of the said forest of *Dean* and hundred of *Saint Briavel's* as is extra-parochial, and bounded on or towards the north by the parishes of *Ruardean*, *Hope Mansel*, *Weston-under-Penyard*, and *Lea*, on or towards the north-east by the parishes of *Mitchel Dean* and *Abinghall*, on or towards the east by the parishes of *Flaxley*, *Westbury*, *Newland*, *Little Dean*, the hamlet of *Lea*, the said parish of *Flaxley*, and the said parish of *Little Dean*, on or towards the east by the parish of *Newnham*, on or towards the south-east by the parishes of *Awre* and *Lydney*, on or towards the south, south-west, and part west by the parish of *Newland*, and on or towards the west and north-west by the parish of *English Bicknor*, into separate districts for ecclesiastical purposes, and shall set out such districts by metes and bounds; and one of such districts shall contain the said chapel of *Christchurch*, and shall be called the ecclesiastical district of *Christchurch*; one other of such districts shall contain the said chapel of *Holy Trinity*, and shall be called the ecclesiastical district of *Holy Trinity*; one other of such districts shall contain the said chapel of *Saint Paul*, and shall be called the ecclesiastical district of *Saint Paul*; and one other of such districts shall contain the said chapel to be built at *Cinderford* aforesaid, and shall be called the ecclesiastical district of *Saint John*; and the instrument ascertaining and setting out the said districts shall be registered in the registry of the bishop of the diocese of *Gloucester* and *Bristol*, and enrolled in the office of land revenue records and enrolments; and when such instrument shall have been so registered and enrolled, the said districts shall be taken and considered as ecclesiastical districts attached to the said chapels therein respectively, in all respects as if the same districts had been divided and made by her majesty's commissioners for building new churches under the powers vested in them by law; and all laws and provisions applicable or to be made applicable to district parishes, set out and divided by such commissioners, shall apply to the districts so to be set out in pursuance of this act, save and except as is otherwise provided for by this act: provided always, that until the said intended chapel at *Cinderford* has been built and consecrated, her majesty's commissioners for building new churches shall not assign an ecclesiastical district thereto; and if such intended chapel shall not be built and consecrated within two years from the passing of this act, it shall in that case be lawful for the said commissioners, and they are hereby required, to assign such ecclesiastical district within two years after such intended chapel has been built and consecrated.

II. And be it enacted, that the said chapels to which the said districts shall be assigned shall, from and after such registry and enrolment, be deemed perpetual curacies, and the ministers of the said chapels shall be perpetual curates of such districts; and each of such curacies shall be considered in law as a benefice presentative, so far only as that the licence thereto shall operate in the same manner as institution to any such benefice, and shall render voidable other livings in like manner as institution to any such benefice; and

The chapels to which districts shall be assigned to be perpetual curacies, and incumbents to have perpetual succession, and empowered to

receive en-
dowments in
land or tithes

the spiritual persons now or hereafter serving the same shall be considered as the incumbents thereof respectively; and such incumbents thereof, from the time of such registry and enrolment as aforesaid, shall have perpetual succession, and shall be and are hereby declared to be bodies politic and corporate, and may receive and take endowments in land or tithes, or both, or any such augmentation as shall be granted to them or their successors; and all lands and other endowments now vested in any trustees or trustee for the ministers of the said chapels respectively (other than the said funds in the names of the said governors of the bounty of queen *Anne*), and the said chapels and burial-grounds, and the sites thereof, shall, from and after such registry and enrolment as aforesaid, be vested in the ministers of the said chapels respectively, and their successors respectively, for ever, in the same manner as the same would be vested in the incumbent of a parish; and all laws in force relating to ecclesiastical property shall apply to such premises; and all persons presenting or appointing any such incumbents shall respectively be subject to all jurisdictions and laws, ecclesiastical or common, and to all provisions, regulations, penalties, or forfeitures contained in any act of parliament from time to time in force relating thereto; and in case of any failure in presenting or nominating any such incumbent for the space of six calendar months, such presentation or appointment shall lapse, as in cases of actual benefices; and all the said chapels shall be subject to the jurisdiction of the bishop of *Gloucester* and *Bristol* and the archdeacon of *Gloucester*, and shall be within the forest deanery.

Marriages,
baptisms,
burials, &c.
may be so-
lemnized in
the chapels.

III. And be it enacted, that marriages, baptisms, churchings, and burials may be solemnized and performed in the said chapels, and fees, to be from time to time fixed and allowed by the bishop of *Gloucester* and *Bristol* for the time being, may be taken for the same by the respective incumbents for the time being of the said chapels and intended chapel, and all acts of parliament, laws, and customs relating to publishing banns of marriage, marriages, christenings, churchings, and burials, and the registering thereof, and to all ecclesiastical fees, oblations, and offerings, shall apply to such districts, when the same shall be registered and enrolled as aforesaid, in like manner in every respect as if the same districts were ancient and distinct parishes, and the said chapels and intended chapel were respectively parish churches in law, to all intents and purposes.

The commis-
sioners of
woods, on
behalf of her
majesty, to
augment the
endowments
of the three
existing cha-
pels, and to
endow an in-
tended new
chapel when
built and
consecrated.

IV. And be it enacted, that the commissioners of her majesty's woods, forests, land revenues, works, and buildings shall, by and out of any monies which may from time to time be at the disposal of the said commissioners, purchase, in the names of the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, such a sum of the stock called three *per centum* reduced bank annuities as will be sufficient when purchased to produce the annual dividend of thirty-one pounds nine shillings and sixpence, and such stock shall for ever thereafter form part of the endowment of the said chapel of *Christchurch*, and the dividends thereof be paid to the minister or perpetual curate of such chapel or benefice; and further shall purchase, in the names of the aforesaid governors, such a further sum of the said stock as will be

sufficient when purchased to produce the annual dividend of fifty-eight pounds seven shillings, and such stock shall for ever thereafter form part of the endowment of the said chapel of the *Holy Trinity*, and the dividends thereof be paid to the minister or perpetual curate of the said chapel or benefice; and further shall purchase, in the names of the said governors, such a further sum of the said stock as will be sufficient when purchased to produce the annual dividend of seventy-five pounds six shillings and sixpence, and such stock shall for ever thereafter form part of the endowment of the said chapel of *Saint Paul*, and the dividends thereof be paid to the minister or perpetual curate of the said chapel or benefice, to the end that the endowments of the said three chapels may be augmented so as to produce the annual sum of one hundred and fifty pounds each; and shall (when and after the said chapel at *Cinderford* shall have been built and consecrated) purchase, in the names of the aforesaid governors, such a further sum of the said stock as will be sufficient when purchased to produce the annual dividend of one hundred and fifty pounds, and the dividends thereof be paid to the minister or perpetual curate of the said chapel or benefice; and all such several endowments may be sold, and the produce thereof applied in all respects as the governors of the bounty of queen *Anne* are authorized to dispose of any funds appropriated by them to the augmentation of the endowment of any benefice; and until such stocks shall be so purchased the said commissioners of her majesty's woods, forests, land revenues, works, and buildings shall, on behalf of her majesty, out of any monies which may be from time to time at their disposal, pay the said annual sums of thirty-one pounds nine shillings and sixpence, fifty-eight pounds seven shillings, seventy-five pounds six shillings and sixpence, and one hundred and fifty pounds, half-yearly to the said governors, to be applied in the same manner as is before directed with respect to the dividends of the said sums of stock so to be purchased as aforesaid; such payments, as regards the three existing chapels of *Christchurch*, *Holy Trinity*, and *Saint Paul*, to commence from the passing of this act, and as regards the intended chapel at *Cinderford*, to commence from and after the time that the same shall have been built and consecrated, and a minister or curate presented and inducted thereto, and to continue until the purchase of such stock.

V. And be it enacted, that the said commissioners of her majesty's woods, forests, land revenues, works, and buildings shall, out of such monies as aforesaid, when the said chapel at *Cinderford* aforesaid shall have been built and consecrated, purchase the sum of three hundred and thirty-three pounds six shillings and eight-pence three *per centum* consolidated bank annuities, in the names of the first commissioner of woods and the bishop of *Gloucester* and *Bristol* for the time being, and which said sum of three hundred and thirty-three pounds six shillings and eight-pence, and the said sum of one thousand pounds, like stock, so now standing in the names of the said first commissioner and the said bishop, shall be held upon trust to apply the dividends thereof as a fund for the maintaining and repairing the fabrics of the aforesaid three chapels, and the said chapel at *Cinderford*, when built and consecrated, such dividends to

Commissioners of woods to augment the existing fund set apart for the maintenance and repair of the chapels.

be applied in equal shares; and any part of such dividends may, at the discretion of such first commissioner and bishop, be applied in insuring the said chapels, or any of them, from loss or damage by fire.

Commissioners of woods may make grants for increasing sites of existing burial-grounds, and of intended chapel, parsonage house, &c.

VI. And be it enacted, that it shall be lawful for the said commissioners of her majesty's woods, forests, land revenues, works, and buildings, or any two of them, on behalf of her majesty, her heirs and successors, to grant to the respective ministers of the said chapels, and their successors respectively, any part of the hereditary revenues of the crown within the said forest, to be appropriated for the said chapels, as after mentioned; (that is to say), any part not exceeding one acre for each of the said three chapels already built, to be applied for the purpose of increasing the sites of the burial-grounds thereto belonging, and any part not exceeding six acres as a site for the intended chapel at *Cinderford* and the burial-ground thereof, and the parsonage house and garden for the minister thereof.

Patronage of Christchurch, &c. vested in her majesty.

VII. And be it enacted, that the right of patronage or nomination of or to the said chapel of *Christchurch*, and of or to the said chapel of *Holy Trinity*, and of or to the said new chapel to be built at *Cinderford*, shall be for ever vested in the queen's most excellent majesty, her heirs and successors.

Patronage of Saint Paul's.

VIII. And be it enacted, that the right of patronage or nomination to the said chapel of *Saint Paul* shall be vested in the lord bishop of *Gloucester* and *Bristol* and his successors for ever.

Saving rights of the crown.

IX. Saving always to the queen's most excellent majesty, her heirs and successors, all such estate, right, title, interest, privilege, prerogative, and benefit, (other than and except the rights and interests hereby expressly varied, barred, destroyed, or extinguished), as she or they had or enjoyed in, to, or out of or from the said forest, and every part thereof, before the passing of this act, or could or might have held or enjoyed in case this act had not been passed.

Act may be amended, &c.

X. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

ECCLESIASTICAL JURISDICTION OF THE CROWN.

1 ELIZABETH, CAP. 1.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 144.

5 ELIZABETH, CAP. 1.—*An act for the assurance of the queen's royal power over all estates and subjects within her dominions.*—For preservation of the queen's most excellent highness, her heirs and successors, and the dignity of the imperial crown of this realm of *England*, and for the avoiding both of such hurts, perils, dishonors and inconveniencies, as have beforetime befallen, as well to the queen's majesty's noble progenitors, kings of this realm, as for the whole estate thereof, by means of the jurisdiction and power of the see of *Rome*, unjustly claimed and usurped within this realm and the dominions thereof, and also of the dangers by the fautors of the the said usurped power, at this time grown to marvellous outrage and licentious boldness, and now requiring more sharp restraint and correction of laws, than hitherto in the time of the queen's majesty's most mild and merciful reign have been had, used or established.

II. Be it therefore enacted, ordained and established by the queen our sovereign lady, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that if any person and persons, dwelling, inhabiting, or resiant within this realm, or within any other the queen's dominions, seignories, or countries, or in the marches of the same, or elsewhere within or under her obeysance and power, of what estate, dignity, pre-eminence, order, degree or condition soever he or they be, after the first day of *April* which shall be in the year of our Lord God one thousand five hundred sixty-three, shall by writing, cyphering, printing, preaching or teaching, deed or act, advisedly and wittingly hold or stand with, to extol, set forth, maintain or defend the authority, jurisdiction or power of the bishop of *Rome*, or of his see, heretofore claimed, used or usurped within this realm, or in any dominion or country, being of, within or under the queen's power or obeysance; or by any speech, open deed or act, advisedly and wittingly attribute any such manner of jurisdiction, authority or pre-eminence to the said see of *Rome*, or to any bishop of the same see for the time being, within this realm, or in any the queen's dominions or countries: that then every such person or persons so doing or offending, their abettors, procurers and counsellors, and also their aiders, assistants and comforters, upon purpose, and to the intent to set forth, further and extol the said usurped power, authority or jurisdiction of any of the said bishop or bishops of *Rome* and every of them, being thereof lawfully indicted or presented within one year next after any such offences by him or them committed, and being lawfully convicted or attainted at any time after, according to the laws of this realm, for every such default and

The penalty for maintaining the authority of the see of *Rome*.
28 H. 8, c. 10.
13 El. c. 2.

16 R. 2, c. 5. offence, shall incur into the dangers, penalties, pains and forfeitures ordained and provided by the statute of provision and *premunire*, made in the sixteenth year of the reign of king *Richard* the second.

What justices may inquire of, and certify the offences aforesaid.

III. And it is also enacted by the authority aforesaid, that as well justices of assize in their circuits, as justices of peace within the limits of their commission and authorities, or two of every such justices of peace at the least, whereof one to be of the *quorum*, shall have full power and authority by virtue of this act, in their quarter or open sessions, to inquire of all offences, contempts and transgressions, perpetrated, committed or done contrary to the true meaning of the premises, in like manner and form as they may of other offences against the queen's peace; and shall certify every presentment afore them or any of them had or made concerning the same, or any part thereof, before the queen, her heirs and successors, in her or their court, commonly called the king's bench, within forty days next after any such presentment had or made, if the term be then open; and if not, at the first day of the full term next following the said forty days; upon pain that every of the justices of assize, or justices of the peace, before whom such presentment shall be made, making default of such certificate contrary to this statute, to lose and forfeit for every such default one hundred pounds to the queen's highness, her heirs and successors.

The penalty for default of certificate of the said offences.

The justices of the king's bench may hear and determine the offences aforesaid.

IV. And it is enacted by the authority aforesaid, that the justices of the king's bench, as well upon every such certificate, as by inquiry before themselves, within the limits of their authorities, shall have full power and authority to hear, order and determine every such offence done or committed contrary to the true meaning of this present act, according to the laws of this realm, in such like manner and form to all intents and purposes, as if the person or persons, against whom any presentment shall be had upon this statute, had been presented upon any matter or offence expressed in the said statute made in the said sixteenth year of the reign of king *Richard* the second.

These shall take the oath set forth anno 1 Eliz. c. 1.

V. And moreover, be it enacted by the authority aforesaid, that as well all manner of persons expressed and appointed in and by the act made in the first year of the queen's majesty's reign that now is, intituled, *an act restoring to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, to take the oath expressed and set forth in the same: as all other persons which have taken or shall take orders, commonly called *ordines sacros*, or ecclesiastical orders, have been or shall be promoted, preferred or admitted to any degree of learning in any university within this realm or dominions to the same belonging: and all schoolmasters and public and private teachers of children; as also all manner of person and persons, that have taken or hereafter shall take any degree of learning in or at the common laws of this realm, as well utter-barristers as benchers, readers, ancients in any house or houses of court, and all principal treasurers, and such as be of the grand company of every inn of chancery, and all attornies, protonotaries and philizers, towards the laws of this realm, and all manner of sheriffs, escheators and feodaries, and all other person and persons which have taken or

Takers of ecclesiastical orders.

Degrees in the universities.

Schoolmasters.

Utter-barristers.

Benchers.

Readers.

Ancients.

Pronotaries.

Attornies.

Philizers.

Sheriffs.

Escheators.

Feodaries.

shall take upon him or them, or have been or shall be admitted to any ministry or office, in, at or belonging to the common law, or any other law or laws, of, to or for the execution of them, or any of them, used or allowed, or at any time hereafter to be used or allowed within this realm or any of the dominions or countries belonging, or which hereafter shall happen to belong, to the crown or dignity of the same; and all other officers or ministers of or towards any court whatsoever, and every of them, shall take and pronounce a corporal oath upon the Evangelists, before he or they shall be admitted, allowed or suffered to take upon him or them, to use, exercise, supply or occupy any such vocation, office, degree, ministry, room or service, as is aforesaid, and that in the open court whereunto he doth or shall serve or belong: and if he or they do not or shall not serve or belong to any ordinary or open court, then he or they shall take and pronounce the oath aforesaid, in an open place before a convenient assembly, to witness the same, and before such person or persons as have or shall have authority by common use or otherwise, to admit or call any such person or persons, as is aforesaid, to any such vocation, office, ministry, room or service, or else before such person or persons, as by the queen's highness, her heirs or successors, by commission under the great seal of *England*, shall be named or assigned, to accept and take the same, according to the tenor, effect and form of the same oath *verbatim*, which is, and as it is already set forth to be taken, in the aforesaid act made in the first year of the queen's majesty's reign.

Officers at
the common
law.
Officer of
any court.

1 El. c. 1.

VI. And also be it enacted by the authority of this present parliament, that every archbishop and bishop within this realm, and dominions of the same, shall have full power and authority by virtue of this act, to tender or minister the oath aforesaid, to every or any spiritual or ecclesiastical person within their proper diocese, as well in places and jurisdictions exempt, as elsewhere.

The bishop
may tender
the oath to
any spiritual
person.

VII. And be it enacted by the authority aforesaid, that the lord chancellor or keeper of the great seal of *England* for the time being shall and may at all times hereafter, by virtue of this act, without further warrant, make and direct a commission or commissions under the great seal of *England*, to any person or persons, giving them or some of them thereby authority to tender and minister the oath aforesaid, to such person or persons, as by the aforesaid commission or commissions the said commissioners shall be authorized to tender the same oath unto.

The lord
chancellor
may direct a
commission
to take the
oath of any
person.

VIII. And be it also further enacted by the authority of this present parliament, that if any person or persons appointed or compellable by this act, or by the said act made in the said first year, to take the said oath; or if any person or persons to whom the said oath by any such commission or commissions shall be limited and appointed to be tendered, as is aforesaid, do or shall, at the time of the said oath so tendered, refuse to take or pronounce the said oath in manner and form aforesaid, that then the party so refusing, and being thereof lawfully indicted or presented within one year next after any such refusal, and convicted or attainted at any time after, according to the laws of this realm, shall suffer and incur the dangers, penalties, pains and forfeitures, ordained and provided by the

The penalty
for the first
refusal of
the oath.

16 R .2, c. 5. statute of provision and *premunire* aforesaid, made in the sixteenth year of the reign of king *Richard* the second.

Certificate of refusal into the king's bench. Savil. 47.

Dyer 234.

Indictment of the offender.

It shall be treason the second time to maintain the authority of the bishop or see of Rome, or to refuse the oath.

IX. And furthermore be it enacted by the authority aforesaid, that all and every such person and persons, having authority to tender the oath aforesaid, shall within forty days next after such refusal or refusals of the said oath, if the term be then open; and if not, then at the first day of the full term next following the said forty days, make true certificate under his or their seal or seals of the names, places and degrees of the person or persons so refusing the same oath, before the queen, her heirs or successors, in her or their court, commonly called the king's bench; upon pain that every of the said persons having such authority to tender the said oath, making default of such certificate, shall for every such default forfeit an hundred pound to the queen's highness, her heirs or successors: and that the sheriff of the county where the said court, commonly called the king's bench, shall for the time be holden, shall or may by virtue of this act impanel a jury of the same county, to inquire of and upon every such refusal and refusals; which jury shall or may upon every such certificate, and other evidence to them in that behalf to be given, by virtue of this act, proceed to indict the person and persons so offending in such sort and degree, to all intents and purposes, as the same jury may do of any offence or offences against the queen's majesty's peace, perpetrated, committed or done within the same county, of and for which the same jury is so impanelled.

X. And for stronger defence and maintenance of this act, it is further ordained, enacted and established by the authority aforesaid, that if any such offender or offenders, as is aforesaid, of the first part or branch of this statute, that is to say, by writing, cyphering, printing, preaching or teaching, deed or act, advisedly and wittingly hold or stand with, to extol, set forth, maintain or defend the authority, jurisdiction or power of the bishop of *Rome*, or of his see, heretofore claimed, used or usurped within this realm, or in any dominion or country, being of, within or under the queen's power and obedience: or by any speech, open deed or act, advisedly and wittingly attribute any such manner of jurisdiction, authority or pre-eminence to the said see of *Rome*, or to any bishop of the same see for the time being, within this realm, or in any the queen's dominions or countries; or be to any such offender or offenders abetting, procuring or counselling, or aiding, assisting or comforting, upon purpose, and to the intent to set forth, further and extol the said usurped power, authority or jurisdiction, after such conviction and attainder as is aforesaid, do eftsoons commit or do the said offences or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid:

XI. And also, that if any the persons above named and appointed by this act to take the oath aforesaid, do after the space of three months next after the first tender thereof, the second time refuse to take and pronounce, or do not take and pronounce the same, in form aforesaid to be tendered, that then every such offender or offenders, for the same second offence and offences, shall forfeit, lose and suffer such like and the same pains, forfeitures, judgment and execution, as is used in cases of high treason.

XII. Provided always, that this act, nor any thing therein contained, nor any attainder to be had by force and virtue of this act, shall not extend to make any corruption of blood, the disinheriting of any heir, forfeiture of dower, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, her or their natural lives only.

No corruption of blood or forfeiture of dower for any attainder by this act.

XIII. And that it shall and may be lawful to every person and persons, to whom the right or interest of any lands, tenements or hereditaments, after the death of any such offender or offenders, should or might have appertained, if no such attainder had been, to enter into the same, without any *ouster le main* to be sued, in such sort as he or they might have done, if this act had never been had nor made.

XIV. Provided also, that the oath expressed in the said act made in the said first year, shall be taken and expounded in such form as is set forth in an admonition annexed to the queen's majesty's injunctions, published in the first year of her majesty's reign; that is to say, to confess and acknowledge in her majesty, her heirs and successors, none other authority than that was challenged and lately used by the noble king *Henry* the eighth and king *Edward* the sixth; as in the said admonition more plainly may appear.

How the oath expressed anno 1 El. c. 1, shall be expounded.

XV. And be it enacted by the authority aforesaid, that this act shall be openly read, published, and declared at every quarter sessions by the clerk of the peace, and at every leet and law-day by the steward of the court, and once in every term in the open hall of every house and houses of court and chancery, at the times, and by the persons thereunto to be limited and appointed by the lord chancellor or keeper of the great seal for the time being.

In what courts and places this act shall be published.

XVI. And be it further enacted, that every person which hereafter shall be elected or appointed a knight, citizen or burgess, or baron for any of the five ports, for any parliament or parliaments hereafter to be holden, shall from henceforth, before he shall enter into the parliament house, or have any voice there, openly receive and pronounce the said oath before the lord steward for the time being, or his deputy or deputies for that time to be appointed: and that he which shall enter into the parliament house without taking the said oath, shall be deemed no knight, citizen, burgess nor baron for that parliament, nor shall have any voice, but shall be to all intents, constructions and purposes, as if he had never been returned nor elected knight, citizen, burgess or baron for that parliament, and shall suffer such pains and penalties, as if he had presumed to sit in the same without election, return or authority.

Every knight, citizen, and burgess of the parliament shall take the said oath before the lord steward or his deputy.

XVII. Provided alway, that forasmuch as the queen's majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of parliament; therefore this act, nor any thing therein contained, shall not extend to compel any temporal person, of or above the degree of a baron of this realm, to take or pronounce the oath abovesaid, nor to incur any penalty limited by this act, for not taking or refusing the same; any thing in this act to the contrary in anywise notwithstanding.

None of or above the degree of a baron shall be compelled to take the said oath.

XVIII. Provided, and be it enacted by the authority aforesaid, that charitable giving of reasonable alms to any of the offender or

Charitable giving of alms to of-

fenders shall be no cause of forfeiture. offenders above specified, without fraud or covin, shall not be taken or interpreted to be any such abetment, procuring, counselling, aiding, assisting or comforting, as thereby the giver of such alms shall incur any pain, penalty or forfeiture appointed in this act.

Peers offending shall be tried by their peers. XIX. Provided also, and be it enacted by the authority of this present parliament, that if any peer of this realm shall hereafter offend contrary to this act or any branch or article thereof, that in that and all such case and cases they shall be tried by their peers, in such manner and form as in other cases of treasons they have used to be tried, and by none other means.

Who only shall be compelled to take the oath upon the second tender. XX. Provided also further, and be it enacted, that no person shall be compelled by virtue of this act to take the oath above mentioned, at or upon the second time of offering the same, according to the form appointed by this statute, except the same person hath been, is, or shall be an ecclesiastical person, that had, hath or shall have in the time of one of the reigns of the queen's majesty's most noble father, brother or sister, or in the time of the reign of the queen's majesty, her heirs or successors, charge, cure or office in the church; or such person or persons as had, hath or hereafter shall have, any office or ministry in any ecclesiastical court of this realm, under any archbishop or bishop, in any the times or reigns aforesaid; or such person or persons as shall wilfully refuse to observe the orders and rites for divine service, that be authorized to be used and observed in the church of *England*, after that he or they shall be publicly by the ordinary, or some of his officers for ecclesiastical causes, admonished to keep and observe the same; or such as shall openly and advisedly deprave by words, writings, or any other open fact, any of the rites and ceremonies at any time used and authorized to be used in the church of *England*; or that shall say or hear the private mass prohibited by the laws of this realm; and that all such persons shall be compellable to take the oath upon the second tender or offer of the same, and incur the penalties for not taking of the said oath, and none other.

It is not lawful to slay one attainted in a premunire. 25 Ed. 3, st. 5, c. 22. XXI. And forasmuch as it is doubtful, whether by the laws of this realm there be any punishment for such as kill or slay any person or persons attainted in or upon a *premunire*: be it therefore enacted by authority aforesaid, that it shall not be lawful to any person or persons, to slay or kill any person or persons in any manner attainted, or hereafter to be attainted, of, in or upon any *premunire*, by pretence, reason or authority of any judgment given, or hereafter to be given, in or upon the same, or by pretence, reason or force of any word or words, thing or things contained or specified in any statute, or law of provision and *premunire* or in any of them; any law, statute or opinion or exposition of any law or statute to the contrary in anywise notwithstanding.

Punishments inflicted by former laws. XXII. Saving always the due execution of all and every person persons attainted, or to be attainted, for any offence whereupon and judgment of death now is or ought to be, or hereafter may lawfully be given, by reason of this statute or otherwise: and saving always all and every such pains of death, or other hurt or punishment, as heretofore might, without danger of law, be done upon any person or persons that shall send or bring into this realm, or any other the

queen's dominions, or within the same, shall execute any summons, sentence, excommunication or other process against any person or persons, from the bishop of *Rome* for the time being, or by or from the see of *Rome*, or the authority or jurisdiction of the same see.

XXIII. Provided always, and be it enacted by the authority aforesaid, that no person or persons shall hereafter be indicted for assisting, aiding, maintaining, comforting or abetting of any person or persons for any the said offences, in extolling, setting forth or defending of the usurped power and authority of the bishop of *Rome*, unless he or they be thereof lawfully accused by such good and sufficient testimony or proof, as by the jury by whom he shall so be indicted, shall be thought good, lawful and sufficient, to prove him or them guilty of the said offences. 23 El. c. 1.

Upon what
proof only
any person
may be
indicted.

16 CHARLES 1, CAP. 11.—*A repeal of the branch of a statute primo Elizabethæ, concerning commissioners for causes ecclesiastical.*—

Whereas in the parliament holden in the first year of the reign of the late queen *Elizabeth* late queen of *England*, there was an act made and established, intituled, *an act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same*; in which act amongst other things, there is contained one clause, branch, article or sentence, whereby it was enacted to this effect; namely, that the said late queen's highness, her heirs and successors, kings or queens of this realm, should have full power and authority by virtue of that act, by letters patents under the great seal of *England*, to assign, name and authorize, when and as often as her highness, her heirs or successors, should think meet and convenient, and for such and so long time as should please her highness, her heirs or successors, such person or persons being natural-born subjects to her highness, her heirs or successors, as her majesty, her heirs or successors, should think meet to exercise, use, occupy and execute under her highness, her heirs and successors, all manner of jurisdictions, privileges and pre-eminence, in anywise touching or concerning any spiritual or ecclesiastical jurisdiction within these her realms of *England* and *Ireland*, or any other her highness' dominions and countries, and to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm: and that such person or persons so to be named, assigned, authorized and appointed by her highness, her heirs or successors, after the said letters patents to him or them made and delivered as aforesaid, should have full power and authority, by virtue of that act, and of the said letters patents, under her highness, her heirs or successors, to exercise, use and execute all the premises, according to the tenor and effect of the said letters patents; any matter or cause to the contrary in anywise notwithstanding.

1 Eliz. c. 1,
s. 18.

II. And whereas by colour of some words in the aforesaid branch of the said act, whereby commissioners are authorized to execute their commission according to the tenor and effect of the king's

High com-
mission
court.

letters patents, and by letters patents grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression of the king's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that act, and divers other great mischiefs and inconveniencies have also ensued to the king's subjects, by occasion of the said branch and commissions issued thereupon, and the executions thereof: therefore for the repressing and preventing of the aforesaid abuses, mischiefs and inconveniencies in time to come;

The said
branch of
the 1 Eliz.
c. 1, repealed

III. Be it enacted by the king's most excellent majesty, and the lords and commons, in this present parliament assembled, and by the authority of the same, that the aforesaid branch, clause, article or sentence, contained in the said act, and every word, matter and thing contained in that branch, clause, article or sentence, shall from henceforth be repealed, annulled, revoked, annihilated and utterly made void for ever; any thing in the said act to the contrary in any-wise notwithstanding.

Power taken
away from
archbishops,
bishops and
other eccle-
siastical
persons and
courts.

IV. And be it also enacted by the authority aforesaid, that no archbishop, bishop nor vicar-general, nor any chancellor, official nor commissary of any archbishop, bishop or vicar-general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer or minister of justice, nor any other person or persons whatsoever, exercising spiritual or ecclesiastical power, authority or jurisdiction, by any grant, licence or commission of the king's majesty, his heirs or successors, or by any power or authority derived from the king, his heirs or successors or otherwise, shall from and after the first day of *August*, which shall be in the year of our Lord God one thousand six hundred forty and one, award, impose or inflict any pain, penalty, fine, amerciamment, imprisonment or other corporal punishment upon any of the king's subjects, for any contempt, misdemeanor, crime, offence, matter or thing whatsoever, belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any churchwarden, sideman or other person whatsoever, any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse himself or herself of any crime, offence, delinquency or misdemeanor, or any neglect, matter or thing, whereby or by reason whereof he or she shall or may be liable or exposed to any censure, pain, penalty or punishment whatsoever; upon pain and penalty that every person who shall offend contrary to this statute, shall forfeit and pay treble damages to every person thereby grieved, and the sum of one hundred pounds to him or them who shall first demand and sue for the same; which said treble damages and sum of one hundred pounds, shall and may be demanded and recovered by action of debt, bill or plaint, in any court of record, wherein no privilege, essoin, protection or wager of law shall be admitted or allowed to the defendant. And be it further enacted, that every person who shall be once convicted of any act or offence prohibited by this statute, shall for such act or offence be from and after such conviction, utterly disabled to be or continue in any office or employment in any court of justice whatso-

3 Cr. 262.

Penalty,
treble dama-
ges, and one
hundred
pounds.

Offenders
convicted,
disabled
from any
office or em-
ployment by
the king's
letters
patents.

ever, or to exercise or execute any power, authority or jurisdiction by force of any commission or letters patents of the king, his heirs or successors.

V. And it be further enacted, that from and after the said first day of *August*, no new court shall be erected, ordained or appointed within this realm of *England* or dominion of *Wales*, which shall or may have the like power, jurisdiction or authority, as the said high commission court now hath or pretendeth to have; but that all and every such letters patents, commissions and grants, made or to be made by his majesty, his heirs or successors, and all powers and authorities granted, or pretended or mentioned to be granted thereby, and all acts, sentences and decrees to be made by virtue or colour thereof, shall be utterly void and of none effect. Repealed by 13 Car. 2, stat. 1, c. 12, s. 2, except as to the high commission court, &c.

No new court
to be erected
with the like
power.

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

CHAPTER I. OF THE DISCOVERY OF THE CONTINENT.

THE first discovery of the continent of North America was made by Christopher Columbus in 1492. He sailed from Spain on the 3rd of September, and after a long and dangerous voyage, he reached the island of San Salvador on the 12th of October. He then sailed on to other islands, and finally reached the mainland of North America on the 14th of October. He named the land "San Salvador" in honor of the Virgin Mary. Columbus's discovery of the continent was a great event in the history of the world, and it led to the settlement of the continent by Europeans.

After Columbus's discovery, many other explorers came to the continent, including John Cabot, who sailed for England in 1497, and Amerigo Vesputi, who sailed for Spain in 1498. They all discovered new lands and opened up the continent to European settlement.

The first permanent European settlement in North America was founded by John Cabot in 1497. He named the land "Newfoundland" in honor of the English king, Henry VII. The settlement was called "St. John's" and it was the first English colony in North America.

Other explorers, such as Jacques Cartier, who sailed for France in 1498, and Vasco da Gama, who sailed for Portugal in 1499, also discovered new lands in North America. They all contributed to the knowledge of the continent and opened up new opportunities for European settlement.

The discovery of the continent of North America was a great event in the history of the world, and it led to the settlement of the continent by Europeans. It was a time of great exploration and discovery, and it was a time when the world was being opened up to new possibilities.

ECCLESIASTICAL LAWS.

25 HENRY 8, CAP. 19, SECS. 1, 2.—*The submission of the clergy, and restraint of appeals.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 124.

27 HENRY 8, CAP. 15.—The king shall have authority to name thirty-two persons, namely, sixteen spiritual and sixteen temporal, to examine the canons and constitutions heretofore made according to the statute of 25 H. 8, c. 9. But no canons or constitutions shall be made without the king's assent, nor which be contrary to the king's prerogative or the laws of this realm.

Exp. and repealed by 1 & 2 P. & M. c. 8. See 35 H. 8, c. 16. 3 & 4 Ed. 6, c. 11.

35 HENRY 8, CAP. 16.—See Title—"ARTICLES OF RELIGION," vol. i. p. 178.

3 & 4 EDWARD 6, CAP. 11.—*An act that the king's majesty may nominate and appoint thirty-two persons, to peruse and make ecclesiastical laws.*—Albeit the king's most excellent majesty, governor and ruler under God of this realm, ought most justly to have the government of his subjects, and the determination of their causes, as well ecclesiastical as temporal; yet the same, as concerning ecclesiastical causes having not of long time been put in use nor exercised, by reason of the usurped authority of the Bishop of *Rome*, be not perfectly understood nor known of his subjects, and therefore of necessity, as well for the abolishing and putting to utter oblivion the said usurped authority, as for the necessary administration of justice to his loving subjects: it may please his highness, that it may be enacted by his most gracious assent, with the assent of the lords spiritual and temporal, and the commons of this present parliament assembled, and by the authority of the same, that the king's majesty shall from henceforth during three years, have full power, authority and liberty to nominate and assign by the advice of his highness' council, sixteen persons of the clergy, whereof four to be bishops, and sixteen persons of the temporalty, whereof four to be learned in the common laws of this realm, to peruse and examine the ecclesiastical laws of long time here used, and to gather, order, and compile such laws ecclesiastical, as shall be thought to his majesty, his said council, and them or the more part of them, convenient to be used, practised and set forth within this his realm, and other his dominions, in all spiritual or ecclesiastical courts and conventions. And if after such nomination, any of the persons so to be nominated, happen to die, that then his highness by the advice of his said council, during the said three years, shall have full power and authority, from time to time, to nominate and assign other in their places, to supply the said number of two and thirty persons: and that the said two and thirty persons so nominate, as is aforesaid, at all times from time to time, during the said three years, shall have full power and authority to assemble themselves by his highness' commandment, for the perfect collection, compiling and ordering of the said laws. And be it also enacted by the authority aforesaid,

The royal supremacy, in ecclesiastical causes, having been long disused,

—ought to be better understood by the subjects.

The king shall have power, for three years, to nominate thirty-two persons; four of which to be bishops and four, common lawyers, to compile ecclesiastical laws,

—and the laws by them compiled, and set forth by the king's proclamation shall be the king's ecclesiastical laws

that such laws ecclesiastical so compiled, gathered and ordered by the said thirty-two persons, or the more number of them, and set forth, published and declared by the king's majesty's proclamations, with the said advice, under his highness' great seal, shall by virtue of this present act be only taken, reputed, practised, and put in use for the king's ecclesiastical laws of this realm, and no other; any law, statute, usage or prescription to the contrary thereof notwithstanding.

—and none shall incur any penalty, for executing them.

II. Provided always, and it is ordained and enacted by the authority aforesaid, that no manner of person or persons, shall at any time hereafter incur, or be in contempt, pain, forfeiture or loss, or in danger of any action, or suit of *premunire*, by mean or occasion of executing, or putting in exercise of any laws or matter, which shall be devised by the said two and thirty persons, or the more part of them, and set forth by proclamation under the great seal of *England*, or for holding of any manner of plea, or making of any process, touching or concerning any such laws or matter; any statute, law or custom to the contrary in any wise notwithstanding.

The king's prohibitions, &c. shall be obeyed in ecclesiastical courts, as before.

III. Provided also, and be it enacted by the authority abovesaid, that all and every ecclesiastical judge and minister, that shall execute any thing by virtue of any such laws so to be set forth, as is abovesaid, shall from time to time obey the king's writ and writs of prohibition or attachment, upon prohibition and *indicavit*, and not to proceed contrary to the tenor of such writ or writs, in such and the same manner, form and condition, as they have, or ought to have done before the making of this act, any thing in this act to the contrary in any wise notwithstanding.

The thirty-two persons, and the king, shall not set forth any law contrary to the laws of the land.

IV. Provided always, and be it enacted by the authority abovesaid, that this act or any thing therein contained, shall not extend, or be interpreted, to give any authority to the said two and thirty persons, or the more number of them, or to the king's highness, for to compile, establish, publish, or set forth any ecclesiastical laws repugnant, or contrary to the common law or statute of this realm, any thing in this act to the contrary notwithstanding.

1 & 2 PHILIP & MARY, CAP. 8.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 126.

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

EGYPTIANS.

22 HENRY 8, CAP. 10.—*An act concerning outlandish people, calling themselves Egyptians* —Forasmuch as before this time divers and many outlandish people calling themselves *Egyptians*, using no craft nor feat of merchandize, have come into this realm, and gone from shire to shire, and place to place in great company, and used great, subtile, and crafty means to deceive the people, bearing them in hand, that they by palmestry could tell men's and women's fortunes, and so many times by craft and subtilty have deceived the people of their money, and also have committed many heinous felonies and robberies, to the great hurt and deceit of the people that they have come among.

Enforced by
1 & 2 P. & M.
c. 4, which
makes it fe-
lony for them
to remain
one month in
the realm.
Enforced
further by
5 Eliz. c. 20,
which takes
away clergy.

II. Be it therefore by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, ordained, established, and enacted, that from henceforth no such person be suffered to come within this the king's realm; and if they do, then they and every of them so doing, shall forfeit to the king our sovereign lord all their goods and chattels, and then to be commanded to avoid the realm within fifteen days next after the commandment, upon pain of imprisonment; and it shall be lawful to every sheriff, justice of peace, and escheator, to seize to the use of our sovereign lord, his heirs and successors, all such goods as they or any of them shall have, and thereof to make account to our said sovereign lord in his exchequer; and if it shall happen any such stranger hereafter to commit within this realm any murder, robbery, or any other felony, and thereof be indicted, and arraigned, and to plead not guilty, or any other plea triable by the country, that then the inquest that shall pass between the king and any such party, shall be altogether of *Englishmen*, albeit that the party so indicted pray *medietatem lingue*, according to the statute of anno 8 *Henrici* 6, or any other statute thereof made.

III. Provided alway, that the *Egyptians* now being in this realm, have monition to depart within sixteen days after proclamation of this statute among them shall be made, upon pain of imprisonment, and forfeiture of their goods and chattels; and if they then so depart, that then they shall not forfeit their goods nor any part thereof, this present statute notwithstanding.

IV. Provided alway, that every such person or persons, which can prove by two credible persons, before the same party that seized such money, goods, or chattels, of the same *Egyptians*, that any part of the same goods, money, or chattels, were craftily or feloniously taken or stolen from him, shall be incontinent restored unto the same goods, money, or chattels, whereof he maketh such proof before the same party, that so seized the same money, goods, or chattels, upon pain to forfeit to the same party, that maketh such proof, the double value of the same by action of debt, bill, or otherwise, in

any of the king's courts to be sued, upon which action and suit he shall not be admitted to wage his law, nor any protection or essoin to be allowed; any thing in this act to the contrary notwithstanding.

V. Provided always, and be it further enacted, that if any justice of peace, sheriff, or escheator, which by authority of this act, have power to take or seize any goods or chattels of any *Egyptians*, at any time hereafter do seize, or take the goods or chattels of any such *Egyptians*, that then every such justice, sheriff, or escheator, doing the same, shall have, keep, and retain to his own use, the moiety of all such goods so by him seized; and of the other moiety so by him taken or seized, shall make answer and account to the king in his exchequer, according to the tenor of this present act; any thing in the same act contained to the contrary hereof notwithstanding: and that upon any account hereafter to be made for the said other moiety of the same goods, the accountant shall pay no manner of fees or other charges, for his account or discharge to be had in the king's exchequer, nor elsewhere.

Punishment
for bringing
Egyptians
into this
realm, &c.
22 H. 8, c. 10.
Enforced and
explained by
5 Eliz. c. 20,
which makes
it felony.
3 Inst. 102.

1 & 2 PHILIP & MARY, CAP. 4.—*An act against certain persons calling themselves Egyptians.*—Where in a parliament holden at *Westminster* in the twenty-second year of the reign of our late sovereign lord king *Henry* the eighth, (for the avoiding and banishing out of this realm of certain outlandish people calling themselves *Egyptians*, using no craft nor feat of merchandizes for to live by, but going from place to place in great companies, using great, subtilē and crafty means to deceive the king's subjects, bearing them in hand, that they by palmistry, could tell men's and women's fortunes, and so many times by craft and subtilty deceive the people of their money, and committed divers great and heinous felonies and robberies, to the great hurt and deceit of the people); it was amongst other things then enacted, that from the time of the making of the said act no such persons should be suffered to come within this the king's realm, upon pain of forfeiture to the king of all their goods and chattels, and then to be commanded to avoid the realm within fifteen days next after the commandment, upon pain of imprisonment; and such persons calling themselves *Egyptians*, as were then within this realm, should depart within sixteen days next after proclamation of the said act, upon pain of imprisonment, and forfeiture of all their goods and chattels, with divers other clauses and articles contained in the said act, as by the said act more at large it appeareth: forasmuch as divers of the said company, and such other like persons, not fearing the penalty of the said statute, have enterprized to come over again into this realm, using their old-accustomed devilish and naughty practices and devices, with such abominable living as is not in any christian realm to be permitted, named or known, and be not duly punished for the same, to the perilous and evil example of our sovereign lord and lady the king and queen's majesty's most loving subjects, and to the utter and extreme undoing of divers and many of them, as evidently doth appear:

The penalty
for bringing
of Egyptians
into this
realm.

II. For reformation whereof, be it ordained and enacted by the king and queen our sovereign lord and lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any person or persons

after the last day of *January* next coming, do willingly transport, bring or convey into this realm of *England* or *Wales*, any such persons calling themselves, or commonly called, *Egyptians*, that then he or they so transporting, bringing or conveying in any such persons, contrary to the true meaning of this act, shall forfeit and lose for every time so offending, forty pounds of lawful money of *England*.

III. And be it further enacted by the authority aforesaid, that if any of the said persons called *Egyptians*, which shall be transported and conveyed into this realm of *England* or *Wales* as is aforesaid, do continue and remain within the same by the space of one month, that then he or they so offending shall by virtue of this act be deemed and judged a felon and felons, and shall therefore suffer pains of death, loss of lands and goods, as in cases of felony, by the order of the common law of this realm, and shall upon the trial of them or any of them therein so tried in the county, and by the inhabitants of the county or place, where they or he shall be apprehended or taken, and not *per medietatem lingue*, and shall lose the benefit and privilege of sanctuary and clergy.

It shall be felony for Egyptians to remain in England a month.

IV. And be it further enacted by the authority aforesaid, that if the *Egyptians*, or other persons commonly calling themselves *Egyptians*, and every of them, now being within this realm of *England* or *Wales*, do not depart out of the same within twenty days next after proclamation of this present act shall be made, that then he or they which shall not depart within the said time, according to the true meaning of this act, shall forfeit and lose all his and their goods and chattels, and that then it shall be lawful to all and every the king's and queen's subjects to seize the same; the one moiety thereof to be to the use of our sovereign lord and lady, the king and queen, and the other moiety thereof to be to the use of him or them that shall so seize the same.

The penalty for the Egyptians that now be, to tarry in England.

V. And be it also enacted by the authority aforesaid, that if the *Egyptians*, and other persons commonly called *Egyptians*, and every of them, now being within this realm of *England* or *Wales*, do not depart out and from the same within forty days next after proclamation shall be made of this act, that then he or they which shall not depart and avoid within the said time of forty days, according to the true meaning of this act, shall be judged and deemed according to the laws of this realm of *England* a felon and felons, and shall suffer therefore pains of death, loss of lands and goods, as in other cases of felony, and shall be tried as is aforesaid, and without having any benefit or privilege of sanctuary or clergy.

The penalty for Egyptians not to depart within forty days.

VI. And be it further enacted by the authority aforesaid, that if any person after the first day of *January* next coming shall sue for the obtaining of any licence, letter or passport, for any of the said persons called *Egyptians*, to abide or continue within this realm of *England* or *Wales*, contrary to the tenor of this act, that then every such person so suing shall forfeit and lose for the same forty pounds of lawful money of *England*; and that every such licence, letter and passport, shall be by virtue of this act void to all intents and purposes; the one moiety of all which sums of money, to be forfeited as is aforesaid, shall be to the king and queen our sovereign

The penalty for suing of licence for Egyptians to tarry in England.

lord and lady, and the other moiety thereof to be to him or them that will sue for the same in any court of record, by action of debt, bill, plaint or information, wherein no essoin, wager of law nor protection shall be admitted and allowed.

A proviso for Egyptians which leave their naughty trade.

VII. Provided always, and be it enacted by the authority aforesaid, that this present act, nor any thing therein contained, shall not extend or be hurtful to any of the said persons commonly called *Egyptians*, which within the said time of twenty days next after the said proclamation to be made as is aforesaid, shall leave that naughty, idle and ungodly life and company, and be placed in the service of some honest and able inhabitant or inhabitants within this realm, or that shall honestly exercise himself in some lawful work or occupation, but that he or they so continuing in service, or other lawful work or occupation, shall (during such time as he or they shall so continue) be discharged of all pains and forfeitures contained in this act.

To what persons this statute doth not extend.

VIII. Provided also, and be it enacted by the authority aforesaid, that this act shall not in anywise extend to any child or children, being not above the age of thirteen years, nor to any of the said persons being now in prison, so that he or they so being in prison do depart out of this realm within fourteen days next after his or their delivery out of prison; nor shall extend to charge any manner of person or persons as accessory to any offence or offences contained or specified in this statute.

3 Inst. 102.

5 ELIZABETH, CAP. 20.—*An act for further punishment of vagabonds, calling themselves Egyptians.*—Whereas sithence the act made in the first and second years of the late king and queen, king *Philip* and queen *Mary*, for the punishment of that false and subtile company of vagabonds calling themselves *Egyptians*, there is a scruple and doubt risen, whether such persons as being born within this realm of *England*, or other the queen's highness' dominions, and are or shall become of the fellowship or company of the said vagabonds, by transforming or disguising themselves in their apparel, or in a certain counterfeit speech or behaviour, are punishable by the said act in like manner as others of that sort are, being strangers born and transported into this realm of *England*:

The statute of 1 & 2 P. & M. c. 4, concerning Egyptians shall continue in force

II. Therefore for the avoiding of all doubts and ambiguities in that behalf, and to the intent that all such sturdy and false vagabonds of that sort, living only upon the spoil of the simple people may be condignly met withal and punished, be it enacted by the queen our sovereign lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the said statute made in the first and second years of the said late king and queen concerning those vagabonds calling themselves *Egyptians*, shall continue, remain and be in full force, strength and effect.

It shall be felony for Egyptians, or others counterfeiting themselves like to them, to remain a month in this realm.

III. And yet moreover, be it enacted by the authority aforesaid, that all and every person and persons, which from and after the first day of *May* now next ensuing shall be seen or found within this realm of *England* or *Wales*, in any company or fellowship of vagabonds, commonly called or calling themselves *Egyptians*, or counterfeiting, transforming or disguising themselves by their apparel, speech or other behaviour, like unto such vagabonds, commonly

called, or calling themselves *Egyptians*, and so shall or do continue and remain in the same, either at one time or at several times, by the space of one month: that then the said person or persons shall by virtue of this act be deemed and judged a felon and felons; and shall therefore suffer pains of death, loss of lands and goods, as in cases of felony by the order of the common laws of this realm; and shall upon the trial of them, or of any of them therein, be tried in the county and by the inhabitants of the county or place where they or he shall be apprehended or taken, and not *per medietatem lingue*; and shall lose the privilege and benefit of sanctuary and clergy.

IV. Provided always, and be it enacted by the authority aforesaid, that this act shall not in any wise extend to any child or children being within the age of fourteen years, nor to any of the said persons being in prison the last day of this present parliament; so that he or they so being in prison, do within fourteen days next after his or their delivery out of prison, either depart out of this realm of *England* and *Wales*, or put him or themselves to some honest service, or exercise some lawful work, trade or occupation, and utterly forsake the said idle and false trade, conversation and behaviour of the said counterfeit and disguised vagabonds, commonly called or calling themselves *Egyptians*.

To what persons this act shall not extend.

V. Provided also, and be it enacted by the authority aforesaid, that the said act made in the first and second years of the said late king and queen, shall not extend to compel any person or persons born within any the queen's majesty's dominions, to depart out of this realm of *England* or *Wales*, but only to constrain and bind them and every of them to leave their said naughty, idle and ungodly life and company, and to place themselves in some honest service, or to exercise themselves at home with their parents, or elsewhere, honestly in some lawful work, trade or occupation; any thing mentioned in the said former act to the contrary hereof in anywise notwithstanding.

None born in the realm compellable to depart thence.

23 GEORGE 3, CAP. 51.—*An act to repeal an act, made in the fifth year of the reign of queen Elizabeth, intituled, an act for further punishment of vagabonds calling themselves Egyptians.*—Whereas an act, made in the fifth year of the reign of queen *Elizabeth*, intituled, *an act for further punishment of vagabonds calling themselves Egyptians*, is and ought to be considered as a law of excessive severity; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of *August*, one thousand seven hundred and eighty-three, the said act shall be, and the same is hereby repealed.

Preamble.
Act 5 Eliz.
recited,

and repealed.

the world, and the progress of the human mind, from the earliest times to the present day. The history of the world is a long and varied one, and it is not possible to give a full account of it in a single volume. The progress of the human mind is a more recent and more rapid one, and it is not possible to give a full account of it in a single volume. The history of the world is a long and varied one, and it is not possible to give a full account of it in a single volume. The progress of the human mind is a more recent and more rapid one, and it is not possible to give a full account of it in a single volume.

EPISCOPAL FUNCTIONS.

6 & 7 VICTORIA, CAP. 62.—*An act to provide for the performance of the episcopal functions in case of the incapacity of any bishop or archbishop.*—Whereas it is expedient to make provision for the performance of the functions of any bishop or archbishop who shall be incapable of duly exercising them in person: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that whenever any archbishop of *England* or *Ireland* shall have reason to believe that any bishop of his province is incapable by reason of mental infirmity of duly performing his episcopal functions, it shall be lawful for such archbishop to give a notice under his hand to such bishop, that unless within fourteen days from the service thereof satisfactory cause to the contrary be shewn by or on behalf of such bishop, the said archbishop will issue a commission to inquire into the state of the mental capacity of the said bishop, and if within fourteen days from the service of such notice cause to the contrary be not shewn to the satisfaction of the archbishop, it shall be lawful for such archbishop to issue a commission to three persons being members of the united church of *England* and *Ireland*, one of whom shall be his vicar-general, and another one of the bishops of the province, to inquire into the facts of the case: provided always, that the aforesaid notice shall be served by leaving a copy thereof with the bishop or his secretary.

Commission
of inquiry.

II. And be it enacted, that it shall be lawful in any such inquiry for any two or more of the commissioners to require the attendance of such witnesses as may be necessary; and such commissioners respectively shall have the same powers for this purpose as now belong to the consistorial court and to the court of arches respectively.

Attendance
of witnesses
may be com-
pelled.

III. And be it enacted, that it shall be lawful for the said commissioners to examine upon oath, or upon solemn affirmation in cases where an affirmation is allowed by law instead of an oath, all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry, as well as all witnesses tendered to them for examination by or on behalf of the bishop concerning whom the inquiry is pending; and notice of the time and place at which the first meeting of the commissioners shall be holden for the purpose of prosecuting the inquiry shall be given in writing under the hand of one of the said commissioners, to the bishop, and shall be served upon him by leaving one copy thereof with the bishop or his secretary, and another copy thereof with the registrar of his diocese, fourteen days at least before the meeting; and it shall be lawful for the said bishop, and his nearest friend or one of his next of kin, or his or their counsel, proctor, or agent, to attend the proceedings of the commission, and to examine any of the witnesses; and all such proceedings shall be public, unless, on the

Proceedings
of the com-
missioners.

special application of the bishop or his nearest friend, or any one or more of his next of kin, the commissioners shall think fit to direct that the same or any part thereof shall be private; and every such oath or affirmation shall be administered by the said commissioners, or one of them: provided always, that at the request or with the consent of the bishop or his nearest friend, or any one or more of his next of kin, it shall be lawful for the commissioners to take evidence upon affidavit to be sworn before one of the said commissioners or a master in chancery: provided also, that the said commissioners shall shall not direct the proceedings or any part thereof to be in private, nor shall take evidence upon affidavit, if the bishop, or his counsel, proctor, or agent, object thereto.

Witnesses
giving false
evidence
guilty of per-
jury.

IV. And be it enacted, that every witness who shall be examined in pursuance of this act by or before the said commissioners, and who shall wilfully swear or affirm falsely, and also every person who shall swear to the contents of any such affidavit knowing the same or any part thereof to be untrue, shall be deemed guilty of perjury.

Report of the
commission-
ers.

V. And be it enacted, that the said commissioners, or any two of them, shall transmit to the archbishop under their hands and seals the depositions of witnesses taken before them, and all such affidavits, and also a report of the opinion of the majority of the commissioners whether or not the bishop is incapable by reason of mental infirmity of duly performing his episcopal functions, and such report shall be filed in the registry of the diocese; and the commissioners shall also, upon the application of the bishop or of his nearest friend, or any one or more of his next of kin, or his or their counsel, proctor, or agent, cause to be delivered to such party a copy of the said report and the depositions and affidavits.

For defray-
ing the ex-
penses of the
inquiry.

VI. And be it enacted, that all the expenses of such inquiry shall be certified under the hands of two of the said commissioners, and, when allowed by the archbishop by whom the commission shall have been issued, shall be defrayed out of the revenues of the bishopric.

The like pro-
ceedings in
the case of an
archbishop.

VII. And be it enacted, that the like proceedings shall be had in the case of like infirmity of any archbishop of the realm: provided always, that in such case all things hereinbefore required to be done by or with respect to the archbishop of the province shall be done by and with respect to the lord high chancellor of *Great Britain*, or the lord high chancellor of *Ireland*, accordingly as the archbishop concerning whom the inquiry is to be made is of *England* or *Ireland*; and of the three persons being members of the united church of *England* and *Ireland* to be appointed commissioners, one shall be a bishop of the province, another shall be the other archbishop of *England* or of *Ireland* respectively, as the case may be, and if the commission shall be issued by the lord high chancellor of *Great Britain* the third commissioner shall be the master of the rolls or one of the vice chancellors of *England*, and if the commission shall be issued by the lord chancellor of *Ireland* the third commissioner shall be the master of the rolls or one of the barons of the exchequer of *Ireland*; and in every such case the report of the commissioners shall be filed in the registry of the province; and the expenses of the inquiry, when allowed by the lord chancellor by whom the commission shall have been issued, shall be defrayed out of the revenues of the archbishopric.

VIII. And be it enacted, that every commissioner to be appointed by virtue of this act shall, at or before the first meeting of the commissioners for the purpose of prosecuting the inquiry, take before the archbishop or lord chancellor issuing such commission, or before a master extraordinary in chancery, the following oath; (that is to say),

I do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me under a commission of inquiry issued by _____ relating to the capacity of [_____ lord bishop or archbishop of _____] duly to perform his [episcopal or archiepiscopal] functions, and that without favor or affection, prejudice or malice.

So help me God.

IX. And be it enacted, that at any time before the expiration of twenty-eight days after the filing of the report of the commissioners in the registry of the diocese or province, as the case may be, it shall be lawful for the bishop or archbishop concerning whom such inquiry shall have been made, or for his nearest friend, or any one or more of his next of kin, or his or their counsel, proctor, or agent, to present a petition to her majesty in council, or to the lord lieutenant or other chief governor or governors of *Ireland* for the time being in council, praying that no such letters patent as are hereafter mentioned may be issued; and at the same time to lodge with the clerk of the council an office copy of the report of the commissioners, and of the depositions and affidavits whereon the same is founded; and the matter of such petition shall be heard or considered on such report, depositions, and affidavits in *England* before the judicial committee of the privy council, in case her majesty shall be pleased to refer it to the said committee, and in *Ireland* before the lord-lieutenant or other chief governor or governors of *Ireland* for the time being in council; and a copy of the order in council, containing the decision in the matter of such petition, shall, by the clerk of the council, be transmitted to the registry of the diocese or province, as the case may be, and shall be there filed.

X. And be it enacted, that every archbishop and bishop of the united church of *England* and *Ireland* who now is or at any time hereafter shall be sworn of her majesty's most honorable privy council in *England* shall be a member of the judicial committee of the privy council for the purposes of this act.

XI. And be it enacted, that whenever it shall appear to the archbishop or lord chancellor, as the case may be, on the report of the said commissioners, that the bishop or archbishop concerning whom the inquiry has been made is incapable by reason of mental infirmity of duly performing his episcopal or archiepiscopal functions, it shall be lawful for such archbishop or lord chancellor after the expiration of the said period of twenty-eight days, or in case any such petition as aforesaid shall be presented within such period of twenty-eight days, then at any time after the prayer thereof shall have been pronounced against or abandoned, to make request to her majesty for remedy thereof, and thereupon it shall be lawful for her majesty, by letters patent under the great seal of *Great Britain* or the great seal

Commissioners to be sworn.

Petition to her majesty or lord-lieutenant of Ireland in council.

Episcopal members of judicial committee.

Appointment of a bishop to perform the episcopal functions;

and of a spiritual person to assist in the administration of the temporalities

Proviso.

Ireland, as the case may be, to appoint one of the bishops of the same province, being a bishop of *England* or *Ireland*, and not being one of the commissioners aforesaid, to exercise all the functions and powers, as well with regard to the temporalities as the spiritualities, of the bishop or archbishop so found to have become incapable; and in case of the death or incapacity, deprivation or suspension of the bishop so appointed, or in case her majesty shall, on the petition of such bishop, be pleased to relieve him from the further exercise of such functions and powers, it shall be lawful for her majesty in like manner to appoint another such bishop, and so as often as the case shall happen; and it shall be lawful for the bishop so appointed, and the archbishop or lord chancellor (as the case may be) by whom the commission aforesaid was issued, or any successor of such archbishop or lord chancellor, by an instrument in writing under their hands and seals, jointly to commission and appoint a spiritual person to assist in the administration of the temporalities of the see, and in such matters of jurisdiction of the see or province of the bishop or archbishop so found to have become incapable as shall and may be lawfully committed to him, which spiritual person shall give to the bishop and to the archbishop or lord chancellor by whom he shall be appointed a bond, with sufficient surety in a sufficient sum, with a condition for his duly accounting for the monies which may come to his hands by virtue of his office; and it shall be lawful for the bishop so appointed, and the same or any succeeding archbishop or lord chancellor, at their pleasure, to revoke and cancel such appointment, and in any such case, or upon the death or resignation of such spiritual person, in like manner to commission and appoint another spiritual person, on his giving such security as before mentioned, and so from time to time as often as the case shall happen; and all things done by virtue of this act within the limits of his authority by any such bishop or spiritual person shall be done in the name of the bishop or archbishop so found to have become incapable, and under the seal of such bishop or archbishop where a seal is required to be used, and shall be as valid as if done by such archbishop or bishop; and the receipt of the bishop or spiritual person, so appointed as aforesaid, for such sums as he shall receive by virtue of his commission shall be good and effectual discharges for the monies which in such receipts shall be acknowledged to have been received: provided always, that it shall not be lawful for such bishop or spiritual person to present, collate, nominate, or license any clerk to any ecclesiastical benefice in the gift or patronage of the bishop or archbishop so found to be incapable, or to sanction the union or disunion of any benefice in such gift or patronage with or from any other benefice, without the approval of the archbishop or lord chancellor by whom the commission was issued, or, without the like approval, to appoint or displace any officer of the see or province; and that no lease or deed of conveyance, exchange, or enfranchisement, of any lands or possessions belonging to the see or province, to be executed by any bishop or spiritual person appointed as aforesaid, shall be valid unless approved and executed by the archbishop of the province, or, in case of the incapacity of the archbishop, by the lord chancellor of *Great Britain* or the lord chancellor of *Ireland*, as the case may be,

and in each case sealed also with the seal of the ecclesiastical commissioners for *England* or of the ecclesiastical commissioners for *Ireland*, as the case may be.

XII. And be it enacted, that the bishop and the spiritual person to be appointed by virtue of this act shall, for the purpose of enforcing payment of the revenues of the see of the bishop or archbishop found to have become incapable, severally have all the same legal rights, powers, and remedies, whether by action, suit, or distress, as the case may be, as might have been exercised by the said bishop or archbishop if no commission had been issued: provided always, that neither such bishop or spiritual person shall be accountable for any monies which may be payable to either of them by virtue of this act which shall not have been actually received by them respectively.

Power to recover revenues.

XIII. And be it enacted, that it shall be lawful for her majesty to assign to the spiritual person to be appointed as aforesaid a yearly allowance, not exceeding one-sixth part of the revenues of the bishopric or archbishopric, such as to her majesty shall seem fit, which shall be defrayed out of the revenues of the bishopric or archbishopric; and such spiritual person shall also, out of such revenues, defray and reimburse to the bishop to be appointed as aforesaid all expenses incurred by him in the execution of this act, such expenses being first allowed by the archbishop or lord chancellor, as the case may be; and that the remainder of the said revenues, after such payments as aforesaid, and such other payments (if any) as shall be made by the bishop or the spiritual person who shall be appointed by virtue of this act, in respect of rates, taxes, tenths, salaries, pensions, repairs, insurances from fire, and other expenses incident to the administration of the temporalities, or to the exercise of the jurisdiction of the bishop or archbishop so found to be incapable, shall be paid to such bishop or archbishop, or to such other person or persons as shall be by law entitled to receive the same.

Allowance to spiritual person appointed.

Reimbursement to the bishop.

Remainder of revenues how to be paid.

XIV. And be it enacted, that if at any time hereafter any bishop or archbishop shall have been found a lunatic or of unsound mind under any commission in the nature of a writ *de lunatico inquirendo*, and if the inquisition shall not have been quashed or the commission superseded, it shall be lawful for the archbishop of the province or lord chancellor, as the case may be, without further or other inquiry, to make request to her majesty as on the report of commissioners appointed under this act; and such request shall be to all intents and purposes whatsoever of the same force and effect as a request made on such report as aforesaid.

A finding under a writ de lunatico inquirendo to stand in the place of a report of the commissioners.

XV. Provided always, and be it enacted, that it shall be lawful for her majesty, with the advice of her privy council, upon a petition from the bishop or archbishop so found to be incapable, a lunatic, or of unsound mind, setting forth that such incapacity, lunacy, or unsoundness of mind hath ceased, to cause inquiry to be made in such manner as to her majesty, with the advice aforesaid, shall seem fit; and if upon such inquiry it shall appear to her majesty, that such incapacity, lunacy, or unsoundness of mind hath ceased, and that such bishop or archbishop hath become capable of again duly performing his episcopal or archiepiscopal functions, it shall be lawful for her majesty, by letters patent under the great seal of *Great*

Provision in case of the recovery or death of the bishop or archbishop.

Britain or Ireland, as the case may be, to supersede and annul the letters patent so first issued; and thenceforward, and also in case of the death of the bishop or archbishop so found to be incapable, all powers and authorities vested in any other bishop or spiritual person on behalf of such bishop or archbishop shall cease.

Act may be
amended,&c.

XVI. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

ESCHEATS.

17 EDWARD 2, STAT. 1, CAP. 14.—*His prerogative in having the escheat of bishops' freehold tenants attainted of felony during the vacation.*—Also the king shall have escheats of lands of the freeholders of archbishops and bishops when such tenants be attainted for felony in time of vacation, while their temporalities were in the king's hands, to give at his pleasure, saving to such prelates the service that thereto is due and accustomed.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1841.

EXCHANGE OF GLEBE HOUSES AND LANDS.

55 GEORGE 3, CAP. 147.—*An act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices, for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands, so taken in exchange, to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases; and for other purposes.*—Whereas in divers ecclesiastical benefices, perpetual curacies and parochial chapelries, the glebe lands, or some part or parts thereof, lie at a distance from and are inconvenient to be occupied with the parsonage or glebe houses, and the parsonage or glebe houses of divers benefices, perpetual curacies and parochial chapelries, are mean and inconvenient; and it would often tend much to the comfort and accommodation and thereby also to promote the residence of the incumbents of such benefices, perpetual curacies and parochial chapelries, if the glebe lands and parsonage or glebe houses thereof could be by law exchanged for other lands of greater value, or more conveniently situated, and for other and more convenient houses: and whereas there are also divers lands and tenements which have been accustomed to be granted or demised by the incumbent for the time being of certain ecclesiastical benefices, perpetual curacies or parochial chapelries, for one, two or three lives, or for a term or terms of years absolutely or determinable on a life or lives, as being holden by copy of court roll or otherwise, under some manor or lordship belonging to such benefices, perpetual curacies or parochial chapelries, and it would therefore be advantageous to the said benefices if the same lands and tenements, or some of them, or some part thereof, were annexed as glebe to the living or benefice to which they belong; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, it shall be lawful for the parson, vicar or other incumbent for the time being, of any ecclesiastical benefice, perpetual curacy or parochial chapelry, by deed indented, and to be registered in manner hereinafter mentioned, and with the consent of the patron of such benefice, perpetual curacy or parochial chapelry, and of the bishop of the diocese wherein the same is locally situate (to be signified as hereinafter is mentioned), to grant and convey to any person or persons, and to his, her or their heirs and assigns, or otherwise, as he or they shall direct or appoint, or to any corporation, sole or aggregate, and his or their successors, the parsonage or glebe house, and the outbuildings, yards, gardens and appurtenances thereof, and the glebe lands, and any pastures, feedings or rights of common or way appendant, appurtenant or in gross, or any or either of such

Power to exchange parsonage houses and glebe lands for other houses and lands.

house, outbuildings, yards, gardens and glebe lands, pastures, feedings, or rights of common or way, or any part or parts thereof, belonging to any such benefice, perpetual curacy or parochial chapelry, in lieu of and in exchange for any house, outbuildings, yards, gardens and appurtenances, and any lands, or any or either of them, whether lying within the local limits of such benefice, perpetual curacy or parochial chapelry or not, but so as that the same be situate conveniently for actual residence or occupation by the incumbent thereof, the same also being of greater value or more conveniently situated than the premises so to be given in exchange, and being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice, and also for the parson, vicar or incumbent for the time being of the same benefice, perpetual curacy or parochial chapelry, by the same or a like deed, and with the like consent, and testified as aforesaid, to accept and take in exchange to him and his successors for ever, from any person or persons, or corporation sole or aggregate, any other house, outbuildings, yards, gardens, easements and appurtenances, and any other lands, or any or either of such house, outbuildings, yards, gardens, lands, easements and appurtenances, the same respectively being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice, and being of greater value or more conveniently situated, in lieu of and in exchange for such parsonage or glebe house, outbuildings, yards, gardens, glebe lands and appurtenances, and such pastures, feedings and rights of common or way, or any or either of them, so to be granted and conveyed, and which said house, outbuildings, yards, gardens, lands and appurtenances so to be accepted and taken in exchange, by any parson, vicar or other incumbent, shall for ever, from and after such grant and conveyance thereof, be the parsonage and glebe house and glebe lands and premises of the said benefice, perpetual curacy or parochial chapelry, to all intents and purposes whatsoever, and shall become annexed to the said benefice, perpetual curacy or parochial chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by such incumbent and his successors accordingly, without any licence or writ of *ad quod damnum*; and that the whole, or any part or parts of the said house, outbuildings, lands and premises so to be annexed, which before such annexation were of copyhold tenure, shall for ever, from and after such annexation, become and be of freehold tenure, the statute of mortmain, or any other statute or law to the contrary notwithstanding: provided always, that nothing in this act contained shall extend, or be construed to authorize the granting or conveying in exchange by any parson, vicar or other incumbent, either at one and the same time, and by one and the same incumbent, or at different times, and by several incumbents, and in several portions, any greater quantity in the whole than thirty statute acres of the glebe lands of any benefice, perpetual curacy or parochial chapelry: provided also, that in all cases when such exchange shall be made by any owner or owners having any less estate or interest than in fee-simple of or in the messuage, buildings, lands and premises so to be by him, her or them granted or conveyed

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in exchange, or being any corporation aggregate or sole, or person or persons under any legal disability, the parsonage house, outbuildings and glebe lands respectively to be so taken in exchange as aforesaid, shall at the time of making such exchange be of equal value with, or not of less value than the said messuage, buildings, lands and premises respectively so to be granted and conveyed in exchange to such parson, vicar or other incumbent.

II. Provided always, that in all cases where the lands or any part or parts thereof to be conveyed in exchange to any parson, vicar or incumbent, and to be annexed as glebe to any benefice, perpetual curacy or parochial chapelry, under the authority of this act, shall either separately or jointly with other lands or tenements be, at the time of such conveyance by any means whatsoever, exempt or discharged from the render of tithes in kind, or subject to or covered by any modus, composition real or prescription in lieu of tithes in kind, then the lands or premises to be conveyed in exchange by such parson, vicar or incumbent, and which before such exchange were glebe of or belonging to the same benefice, perpetual curacy or parochial chapelry, shall (unless it be agreed between the parties to such exchange that the same shall become and be subject to the render or payment of tithes in kind) from and immediately after such conveyance in exchange (in case such first mentioned lands are situate in the same parish, vicarage or parochial chapelry, with the said lands or premises before glebe thereof, or belonging thereto, but not otherwise) become and be either exempt or discharged from tithes in kind, in like manner with or (as the case may be) subject to or covered by the same modus, composition real or prescription in lieu of tithes in kind, as the lands so to be conveyed in exchange to the said parson, vicar or incumbent, were exempt or discharged from, or subject to or covered by, before such exchange was made.

Premises given in exchange subject to same tithes, &c. as those taken in exchange (except in certain cases.)

III. Provided also, and be it further enacted, that no incumbent of any benefice, perpetual curacy or parochial chapelry, wherein or in respect whereof any such exchange as is authorized by this act shall have taken place, or his successors, shall at any time thereafter be evicted or ejected from the peaceable and quiet possession and enjoyment of the house, outbuildings, lands and premises, or any of them, which shall have been granted and conveyed in exchange to such incumbent, according to the provisions of this act, by or by reason or in consequence of any person or persons, or corporation sole or aggregate, claiming right thereto, through any title prior to that of or through any defect of title of the person or persons, or corporation sole or aggregate, granting or conveying the same in exchange; but nevertheless that it shall and may be lawful for such person or persons, or corporation, claiming such right, and he, she or they is and are hereby authorized and empowered to have, use, exercise and enjoy all such and the same powers and remedies in trying his, her or their right to and in obtaining and recovering possession of any house, outbuildings, land and premises, or any of them, which shall have been granted in exchange by any such incumbent, as the person or persons, or corporation sole or aggregate, so claiming would, in case this act had not been made, have been

After exchange incumbent not evicted.

enabled to use, exercise and enjoy in trying the right to and in recovering and obtaining possession of the house, outbuildings, lands and premises, or any of them, in exchange for which the same shall have been so granted and conveyed by any such incumbent, under the authority of this act.

Power to annex premises belonging to manors, and heretofore grantable and demisable as copyhold or otherwise.

IV. And be it further enacted, that, from and after the passing of this act, it shall and may be lawful to and for the parson, vicar or other incumbent of any ecclesiastical benefice, perpetual curacy or parochial chapelry, of or to which benefice, perpetual curacy or parochial chapelry, any manor or lordship is parcel or appurtenant, and as parcel of or belonging to which manor or lordship any lands or tenements are or have been usually granted or demised, or grantable or demisable by copy of court roll, or otherwise, for any life or lives, or for any term or number of years absolutely or determinable on any life or lives, by deed indented (and to be registered as hereinafter mentioned) with the consent of the patron and bishop (to be testified as hereinafter mentioned) to annex to the said benefice, perpetual curacy or parochial chapelry, as and for glebe land, or parsonage or glebe house or houses and buildings thereof, all or any part or parts of such lands or tenements, whether lying within the local limits of such benefice, perpetual curacy or parochial chapelry, or not, and that from and after such annexation the said lands and tenements so annexed shall cease to be thereafter grantable or demisable by any incumbent of the said benefice, perpetual curacy or parochial chapelry, (otherwise than as glebe lands are or shall be by law grantable or demisable) but shall from thenceforth be and become, and be deemed and taken to be the glebe lands and parsonage or glebe house or houses of and annexed to such benefice, perpetual curacy or parochial chapelry, for ever, to all intents and purposes whatsoever, without any licence or writ of *ad quod damnum*; the statute of mortmain, or any other statute or law to the contrary notwithstanding: provided always, that no such annexation shall in anywise annul, determine or affect any grant or demise then previously made and actually existing of the said lands and tenements so to be annexed as last aforesaid.

Such annexations not to annul existing grants or demises.

Power to annex parsonage houses, &c. by benefaction.

V. And whereas it is expedient to enlarge and amend the laws now in being for providing parsonage houses with suitable outbuildings and other accommodations for the residence of the clergy, by way of benefaction; be it further enacted, that where there shall be no existing parsonage or glebe house on any ecclesiastical benefice, perpetual curacy or parochial chapelry, or where the existing parsonage or glebe house, or the outbuildings thereof, on any such benefice, perpetual curacy or parochial chapelry, shall be inconvenient or too small or incommodiously situate, it shall be lawful from and after the passing of this act for any person or persons, being owners in fee-simple, or for any corporation sole or aggregate, with or without confirmation, as the case may require, and by and with such consent, and to be signified as hereinafter mentioned of the incumbent, patron and bishop, to give, grant and convey, by deed indented, and to be registered as hereinafter is mentioned to any parson, vicar or other incumbent of such benefice, curacy or chapelry, for the time being, who shall also have power to accept the same, any

messuage, outbuildings, yard, garden, orchard and croft, or any of them, with their appurtenances, or any right of way, or other easement, whether lying within the local limits of such benefice, perpetual curacy or parochial chapelry or not, but so as that the same be conveniently situate for actual residence or occupation by the incumbent thereof; and which messuage, outbuildings, yard, garden, orchard and croft, with their appurtenances or right of way, or other easement, shall for ever from and after such grant and conveyance thereof be and become annexed to and be deemed and taken to be the parsonage or glebe house, outbuildings, yard, garden, orchard, croft, appurtenances and right of way, or other easement of the said benefice, curacy or chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by the said incumbent and his successors accordingly, without any licence or writ of *ad quod damnum*; the statute of mortmain, or any other statute or law to the contrary notwithstanding; and from and after such grant and annexation it shall be lawful for the incumbent for the time being of the said benefice, curacy or chapelry, to which such grant and annexation shall have been made, (with the consent in writing of such patron and bishop under their hands and seals to be duly registered as hereinafter is mentioned), to take down and remove any parsonage or glebe house, and outbuildings, or any part thereof, which before such annexation belonged to the said benefice, curacy or chapelry (if the same or part thereof cannot be better applied to the permanent advantage of such benefice, curacy or chapelry), and with the like consent as aforesaid, to apply the materials, or the produce thereof, if sold, towards some lasting improvement of the said benefice, curacy or chapelry: provided always, that nothing herein contained shall extend to enable any persons being infants or lunatics, or femmes covert without their husbands, to make any such gift, grant or conveyance; any thing in this act contained to the contrary in any wise notwithstanding.

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VI. And whereas an act was passed in the seventeenth year of the reign of his present majesty, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*: and whereas one other act was passed in the twenty-first year of the reign of his present majesty, intituled *an act to explain and amend an act made in the seventeenth year of the reign of his present majesty, intituled an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*: and whereas there are many ecclesiastical benefices, perpetual curacies and parochial chapelries to which no glebe land, or only a small portion of glebe land is belonging; and it is therefore expedient to enable the making provision by purchase, for the annexation of glebe land to such benefices, perpetual curacies and parochial chapelries; be it therefore further enacted, that, from and after the passing of this act, it shall be lawful for the parson, vicar or other incumbent for the time being, of any ecclesiastical benefice, perpetual curacy or parochial chapelry,

17 G. 3, c. 53.

21 G. 3, c. 66.

Power to
purchase
land,

to be annexed to benefices as glebe land thereof.

Copyhold land so purchased holden as freehold;

and by mortgage of tithes, &c. to raise sum for such purchase, 17 G. 3, c. 53.

not exceeding two years net income.

the existing glebe whereof shall not exceed five statute acres, with the consent of the patron and bishop, to be signified as hereinafter mentioned, to purchase any lands not exceeding in the whole twenty statute acres, with the necessary outbuildings thereon, whether being within the local limits of the said benefice, perpetual curacy or parochial chapelry, or not, but so as that the same be situate conveniently for building a parsonage or a glebe house, and outbuildings, and for gardens and glebe thereof, or for any of the said purposes, and for actual residence and occupation by the incumbent thereof, such land being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor or lordship belonging to the same benefice, perpetual curacy or parochial chapelry; and which lands so purchased shall for ever, from and after the grant and conveyance thereof, be and become annexed to and glebe of such benefice, perpetual curacy or parochial chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by such incumbent, and his successors accordingly, without any licence or writ of *ad quod damnum*; and the whole or any part or parts of the said lands, which before such annexation were or was of copyhold tenure, shall for ever, from and after such annexation, become and be of freehold tenure; the statute of mortmain or any other statute or law to the contrary notwithstanding.

VII And, for the better effectuating such purchases as aforesaid, be it further enacted, that it shall be lawful for such parson, vicar or other incumbent for the time being, with the consent of the patron and bishop (to be signified as hereinafter is mentioned), to borrow and take up at interest (over and besides the monies authorized to be borrowed under the authority and for the purposes of the said recited act of the seventeenth year of the reign of his present majesty) such sum or sums of money as shall be certified by a valuation upon oath of some skilful and experienced surveyor to be the true and just value of the said lands at the time of the purchase thereof, not exceeding two years' clear income and produce of such benefice, perpetual curacy or parochial chapelry, after deducting all taxes and other outgoings whatever, except the salary to the assistant curate (if any); and as a security for repayment of the money so to be borrowed, to mortgage the tithes, rents and other profits and emoluments of or belonging to such benefice, perpetual curacy or parochial chapelry, to any person or persons who shall advance such money by one or more deed or deeds (to be registered as hereinafter mentioned) for the term of twenty-five years, or until the principal money so to be borrowed, with interest for the same, and all costs and charges attending the recovery thereof, shall be fully paid off and satisfied; which mortgage deed or deeds shall bind, as well such parson, vicar or other incumbent of such benefice, perpetual curacy or parochial chapelry, executing such mortgage or mortgages, as also his successors, and a counterpart thereof shall be executed by the mortgagee or mortgagees, and be kept by the incumbent; and the parson, vicar or incumbent for the time being of such benefice, perpetual curacy or parochial chapelry, shall and he is hereby required to pay or cause to be paid to the mortgagee or mortgagees yearly and every year, as the same shall become due, or within one

month afterwards, as well the interest of the principal money secured by such mortgage or mortgages, as also the further sum of five pounds *per centum per annum* of the principal money originally advanced on such mortgage or mortgages; and that every incumbent who shall not reside twenty weeks in every year upon such benefice, perpetual curacy or parochial chapelry, computing each year from the date of the first or only mortgage deed, shall and he is hereby required, instead of the said sum of five pounds *per centum per annum*, to pay within the period aforesaid the sum of ten pounds *per centum per annum* of the principal money originally advanced on such mortgage or mortgages, until the whole of such principal money, with the interest, costs and charges shall be fully paid off and discharged; and that every such incumbent who shall pay only five pounds *per centum per annum* of such principal money shall, at the time of payment thereof, produce and deliver to the mortgagee a certificate under the hands of two rectors, vicars or other officiating ministers of some parishes near adjoining, signifying that he had resided twenty weeks upon the said benefice, perpetual curacy or parochial chapelry, within the year for which such payment became due; and in default of payment of the principal, interest, costs and charges in manner aforesaid, the bishop shall have power to sequester the profits of such benefice, perpetual curacy or parochial chapelry, until such payment shall be made; and if at any time or times the said principal and interest, or any part thereof, shall be in arrear and unpaid for the space of forty days next after the yearly day of payment whereon the same shall have become due, it shall be lawful for the mortgagee or mortgagees, and his, her or their executors, administrators or assigns, to recover the same, or such part thereof as shall be so unpaid, and the costs and charges attending such recovery, by distress and sale, in such manner as landlords are or shall be by law authorized to recover rents in arrear; and in order that the payment of the same principal and interest may, in cases of avoidance by death or otherwise, be justly and equitably ascertained and adjusted between the parson, vicar or incumbent avoiding such benefice, perpetual curacy or parochial chapelry, or his representatives, and his successor, in such proportions as the profits of such benefice, perpetual curacy or parochial chapelry, shall have been received by them respectively for the year in which such death or avoidance shall happen, such payment shall in case any difference shall arise in settling the proportions thereof, be ascertained and determined by two indifferent persons, the one to be named by the person making such avoidance, or his representatives in case of his death, and the other by the said successor; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or in case they shall not agree in settling such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman to be nominated by the bishop, whose determination shall be final and conclusive between the parties.

VIII. And be it further enacted, that, for promoting the purposes of this act, it shall and may be lawful for the governors of the Governors of
queen Anne's

bounty empowered to lend money.

bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, from and out of the monies which have arisen or shall from time to time arise from that bounty, to advance and lend, in respect of each benefice, perpetual curacy or parochial chapelry, the clear annual improved value whereof shall not exceed the sum of fifty pounds, any sum not exceeding the sum of one hundred pounds, without interest, but for repayment of the principal whereof such mortgage as is hereinbefore mentioned shall be executed; and also to advance or lend, for or in respect of each benefice, perpetual curacy or parochial chapelry, the clear annual improved value whereof shall exceed the sum of fifty pounds, any sum not exceeding two years yearly income of such benefice upon such mortgage as aforesaid, and to receive interest for the same at any rate not exceeding four pounds *per centum per annum*.

Colleges may lend with or without interest.

IX. And be it further enacted, that it shall and may be lawful for any college or hall within the universities of *Oxford* or *Cambridge*, or for any other corporate bodies, being owners of the patronage of ecclesiastical livings or benefices, to advance and lend any sum or sums of money of which they have the power to dispose, for the convenience of the parson, vicar or other incumbent for the time being of any benefice, perpetual curacy or parochial chapelry within the patronage of such college or hall, upon mortgage as hereinbefore directed, either upon interest or without any interest.

Consent of patron and bishop to all deeds of exchange, mortgage or purchase.

X. Provided always, and be it further enacted, that when any parson, vicar or other incumbent as aforesaid, shall be desirous of effecting any exchange, purchase or mortgage under the provisions of this act, the consent of the patron and bishop to every deed of exchange, conveyance or mortgage shall, before the same shall be signed and sealed by the parson, vicar or other incumbent, be signified by the said patron and bishop respectively, being made parties to, and signing and sealing the said deed in the presence of two or more credible persons, who shall by indorsement thereon attest such signing and sealing, and in which attestation it shall be expressed that the same deed was so signed and sealed by such patron and bishop before the execution thereof by such parson, vicar or other incumbent.

Powers executed by archbishops and bishops having peculiars.

XI. And whereas there are within divers dioceses certain exempt jurisdictions called peculiars belonging to the archbishops and bishops of other dioceses, and it is expedient that all the powers and authorities given by this act to the bishop of the diocese should as to such peculiars be given to the archbishop or bishop to whom the same respectively belong; be it therefore further enacted, that all and every the powers and authorities given by this act to the bishop of any diocese shall, with respect to the several peculiars locally situated within such diocese, be vested in and exercised by the archbishop or bishop to whom such peculiars shall respectively belong, and not by the bishop within whose diocese such peculiars shall be locally situated, but that within all and every peculiar and peculiars belonging to any other person or corporation than archbishops or bishops, such powers and authorities shall be vested in and exercised by the bishop of the diocese within which such peculiars shall be locally situated.

XII. And be it further enacted, that, from and after the passing of this act, it shall and may be lawful to and for any owner or owners of any messuages, buildings, lands or hereditaments, whether such owner or owners shall be a corporation sole or aggregate, or tenant or tenants in fee simple, or in fee tail general or special, or for life or lives, and for the guardians, trustees or feoffees for charitable or other uses, husbands or committees of or acting for any such owner or owners as aforesaid, who at the time of making any exchange or purchase authorized by this act shall be respectively infants, femmes covert or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself or herself, by deed or deeds indented, and to be registered as hereinafter is mentioned; and with such consent, and to be signified as hereinbefore is mentioned, of such incumbent, and of the patron and bishop, to grant and convey to any parson, vicar or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy or parochial chapelry, any messuage, outbuildings, yards, gardens and lands, with their appurtenances, or any messuage or outbuildings only, or any lands (with or without necessary outbuildings) only of such owner or owners, in lieu of and in exchange for any parsonage house, outbuildings, yards, gardens and glebe lands, and pastures, feedings and rights of common, or any of them, or any part thereof, of or belonging to any such benefice, perpetual curacy or parochial chapelry, or (in cases of purchase), to sell and convey to such parson, vicar or other incumbent any lands not exceeding in the whole twenty statute acres, with the necessary outbuildings thereon, for such sum or sums of money as shall be certified to be the true and just value of the same at the time of such sale thereof, by a valuation to be made as hereinafter is directed; and which said parsonage house, outbuildings and glebe lands so to be granted and conveyed in exchange by any parson, vicar or other incumbent (with such consent and in such manner as aforesaid), shall for ever, from and after such grant or conveyance thereof, be and become vested in and settled upon the same person or persons, and to, for and under the same uses, estates, trusts and limitations, and subject to the same powers, conditions, charges and incumbrances as the said messuage, outbuildings, lands and premises so to be granted and conveyed in exchange were vested in, settled upon and subject to before such exchange thereof, or would have been vested in, settled upon and subject to in case such exchange had not been made; and which said sum or sums of money to be received for the purchase of any lands or hereditaments shall in all cases where the lands or hereditaments so to be purchased belong to any corporation sole or aggregate, infant, feme covert, lunatic, or person or persons under any other disability or incapacity, with all convenient speed be paid into the bank of *England*, in the name and with the privity of the accountant-general of the high court of chancery, to be placed to his account *ex parte* the person or persons or corporation, who would have been entitled to the rents, issues and profits of such lands or hereditaments, to the intent that such money shall be applied or laid out under the direction, and with the approbation of the said court (to be signified by an order made upon a petition to be preferred by or on behalf of

Power to
owners to
convey on
exchange
or sale.

Premises
exchanged
settled to
same uses.

Application
of purchase
monies of
premises
sold.

the person or persons who would have been entitled to the rents, issues and profits of such lands or hereditaments), in the purchase of the land tax, or towards the payment of any debts or incumbrances affecting the same lands or hereditaments, or other lands or hereditaments standing settled to the same or the like uses, or in the purchase of other lands or hereditaments to be conveyed, settled and made subject to and for and upon such and the like uses, trusts, limitations and dispositions, and in the same manner as the lands or hereditaments so purchased as aforesaid stood settled or limited, or such of them as at the time of making such purchase and conveyance shall be existing, undetermined and capable of taking effect; and in the mean time and until such purchase shall be made, the said money shall, by order of the said court of chancery upon application thereto, be invested by the said accountant-general in his name, in some one of the public funds of this kingdom, and the dividends and annual produce thereof shall from time to time be paid by order of the said court to the person or persons who would have been entitled to the rents, issues and profits of the said lands or hereditaments, in case no purchase and conveyance thereof had been made under the provisions of this act.

Persons incapacitated not to convey (except in exchange) more than five acres.

XIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to enable any corporation aggregate or sole, or tenant in fee tail general or special, or for life or lives, or the guardians, trustees or feoffees for charitable or other uses, husbands or committees, of or acting for any such owner or owners as aforesaid, who at the time of making any sale authorized by this act, shall be respectively infants, femmes covert or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself or herself, to sell or convey (except by way of exchange, as in manner by this act directed) any lands or grounds whatsoever, for any of the purposes of this act, exceeding the quantity of five statute acres.

Where exchange or purchase made notice previously given.

XIV. Provided also, that in all cases where any exchange or purchase shall be made under the authority of this act, six calendar months previous notice, describing the particulars, extent and situation of the premises respectively to be given and taken in exchange or purchased, shall be given of the intention to make such exchange or purchase, by the insertion of the same notice for three successive weeks in some one and the same newspaper of and in general circulation in each county wherein the premises so to be given and taken in exchange or purchased, or any part thereof, are situate; and also by affixing such notice in writing on a conspicuous part of the door of the church or chapel of each parish or chapelry wherein such premises or any part thereof are situate, on three *Sundays* successively whereon divine service shall be performed, and shortly before the commencement of such service on each *Sunday* in such church or chapel.

Map and valuation on actual survey made of premises given and taken in exchange or purchased.

XV. And be it further enacted, that whenever any exchange or purchase is intended to be made under the authority of this act, a map or maps under an actual survey, on oath (which oath any justice of the peace is hereby authorized to administer) by some competent surveyor to be approved of by the patron, bishop and incumbent,

shall in cases of exchange be made and taken of the whole of the said glebe lands, or of such part or parts thereof as will sufficiently enable the bishop to judge of the convenience and expediency of the proposed exchange, and also of the glebe or parsonage house, buildings and premises, any part of which it is proposed to exchange, as well as of the other lands, house, buildings and premises, proposed to be taken in exchange; and shall in cases of purchase be made and taken of the whole of the lands or hereditaments so to be purchased; and in cases of exchange the same surveyor shall in like manner make a valuation on oath (to be administered as aforesaid) of the said glebe lands and glebe or parsonage house, buildings and premises, and also of the lands, house, buildings and premises intended to be taken in exchange, and in cases of purchase the same surveyor shall in like manner make a valuation on oath of the lands or hereditaments so intended to be purchased; and every such valuation shall include and distinctly specify the value of all timber and other trees growing thereon, and of the rights of common, and of all mines, minerals and quarries (if any), and of all other rights, profits and advantages whatsoever (if any) to the said premises or either of them, or any part or parcel of the same, respectively belonging.

XVI. Provided also, and be it further enacted, that in all cases, as well of exchange as of purchase under this act, the bishop, on receiving such map or maps and valuation shall, if he shall in the first instance so far approve of the said exchange or purchase, issue a commission of inquiry under his hand and seal, directed to such persons as he shall think proper, not being fewer than six in number, and of whom three at the least shall be beneficed clergymen actually resident in the neighbourhood of the benefice, perpetual curacy or parochial chapelry, whereto it shall be proposed to annex any buildings or lands by exchange or purchase under the authority of this act, and of whom one shall be a barrister at law of three years standing at the least, to be named by the senior judge in the last preceding commission of nisi prius for the county in which the said benefice, perpetual curacy or parochial chapelry, shall be situate, and the return to which commission of inquiry shall be made and signed by a majority of the persons therein named, after an actual inspection by them of all the premises, with such map and valuation before them, and not otherwise, and three at least of the persons making and signing the same shall be either three such beneficed clergymen actually resident as aforesaid, or two at least of such beneficed clergymen resident as aforesaid, together with such barrister as aforesaid; and in no case whatever shall any exchange or purchase be effected under the authority of this act, unless such commission shall have been previously issued and returned, and unless the return to such commission, so made and signed as aforesaid, shall certify that, after an actual inspection and examination of the premises, such exchange or purchase, in the judgment of the persons making the said return, is fit and proper to be made, and will promote the permanent advantage or convenience of the incumbent of such benefice, perpetual curacy or parochial chapelry, and his successors in the same.

Bishop to
issue a com-
mission of
inquiry.

Consent for
patrons in
case of mino-
rity, lunacy
or marriage.

XVII. And be it further enacted, that whenever the patron of any benefice, perpetual curacy or parochial chapelry, to which the provisions of this act extend, shall happen to be a minor, idiot, lunatic or feme covert, it shall and may be lawful for the guardian, committee or husband of every such patron to transact the several matters, and execute the requisite deeds as aforesaid, for such patron, who shall be bound thereby in such manner as if he or she had been of full age or sound mind, or feme sole, and had done such acts and executed such deeds.

Consent
wherelivings
belong to the
crown, or to
duchy of
Lancaster.

XVIII. Provided also, and be it further enacted, that in all cases where the patronage of any benefice, perpetual curacy or parochial chapelry, to which the provisions of this act extend, shall be in the crown, and such living or benefice shall be above the yearly value of twenty pounds in the king's books, the consent of the crown to the several proceedings hereby authorized respecting such benefice, perpetual curacy or parochial chapelry, shall be signified by the execution of the deeds or instruments hereinbefore directed, by the lord high treasurer or first lord commissioner of the treasury for the time being; but if such benefice, perpetual curacy or parochial chapelry, shall not exceed the yearly value of twenty pounds in the king's books, such consent shall be signified by such execution by the lord high chancellor, lord keeper or lords commissioners of the great seal for the time being; and if such benefice, perpetual curacy or parochial chapelry, shall be within the patronage of the crown, in right of the duchy of *Lancaster*, then such consent shall be signified by the execution of such deeds or instruments by the chancellor of the said duchy for the time being.

Deeds and
instruments
deposited in
archbishop's
or bishop's
registry.

XIX. And be it further enacted, that one part of all deeds and instruments to be made and executed in pursuance of or for carrying into execution this act, together with the maps and valuations, and the commissions of inquiry and the returns to the same, hereinbefore directed, shall, within twelve calendar months next after the date or dates thereof, be deposited in the office of the registrar of the diocese wherein such benefice, perpetual curacy or parochial chapelry, shall be locally situate, to be perpetually kept and preserved therein, except as to those benefices which are under the peculiar jurisdiction of any archbishop or bishop, in which case the several documents before mentioned shall be deposited in the office of the registrar of that peculiar jurisdiction, to which any such benefice, perpetual curacy or parochial chapelry shall be subject, and such registrars shall respectively so deposit and preserve the same, and shall give and sign a certificate of such deposit thereof to be written on a duplicate, or on any other part or parts of the said deeds, or any or either of them, or on some other separate parchment, paper or instrument; and every such deed or instrument shall be produced at all proper and usual hours at such registry, to every person applying to inspect the same, and an office copy of each such deed or instrument, certified under the hand of the registrar (and which office copy, so certified, the registrar shall in all cases grant to every person who shall apply for the same) shall in all cases be admitted and allowed as legal evidence thereof in all courts whatsoever; and every such registrar shall be entitled to the sum of ten shillings and

Fees of
registrar.

no more (over and besides the stamp duty, if any) for such commission and the previous requisites thereof; and the sum of five shillings and no more, for so depositing as aforesaid the deeds, settlements, map, survey, valuation, commission and instruments, and so as aforesaid certifying such deposit thereof; and the sum of one shilling and no more for each such search; and the sum of sixpence and no more (over and besides the said stamp duty) for each folio of seventy-two words of each such office copy, so certified as aforesaid.

XX. And be it further enacted, that such of the forms contained in the schedules of the said recited acts of the seventeenth and twenty-first years of the reign of his present majesty, as are applicable to the provisions of this act, and with such variations thereof as shall render them so applicable, shall be used and applied to the purposes of this act as fully and effectually as if the same were hereby enacted and made part of this act.

In what case forms in sch. 17 G. 3, c. 53, 21 G. 3, c. 66, used for act.

XXI. Provided always, and it is hereby declared, that nothing in this act contained shall extend or be construed to repeal or abridge any law now in force, enabling any person or corporation sole or aggregate, to augment or improve any ecclesiastical benefice, perpetual curacy or parochial chapelry.

Act not to repeal any former law.

56 GEORGE 3, CAP. 52.—*An act to amend and render more effectual an act passed in the last session of parliament, for enabling spiritual persons to exchange their parsonage houses or glebe lands, and for other purposes therein mentioned.*—Whereas an act was passed in the last session of parliament, intituled *an act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value or more conveniently situated for their residence and occupation, and for annexing such houses and lands so taken in exchange to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases; and for other purposes:* and whereas it is expedient to authorize the incumbents of benefices, perpetual curacies, and parochial chapelries to apply the monies arising from the sale of any timber cut from the glebe or other lands of their respective benefices, perpetual curacies, or parochial chapelries, towards the purposes of the said recited act: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the incumbent of any benefice, perpetual curacy or parochial chapelry, with the consent of the patron of such benefice, perpetual curacy or parochial chapelry, and of the bishop of the diocese wherein the same is locally situate, or of the archbishop or bishop to whom the peculiars wherein such benefice, perpetual curacy or parochial chapelry is situate shall belong, (such consent to be signified in manner as in the said recited act is mentioned), to pay and apply the monies to arise by sale of any timber cut and sold from the glebe lands of such benefice, perpetual curacy or parochial chapelry, or from any other land, whether copyhold, holden under any manor of such benefice, perpetual curacy or parochial chapelry, or otherwise, the timber whereof belongs to such benefice,

55 G. 3, c. 147.

Incumbent with consent of patron and bishop may apply money arising from sale of timber for or towards exchange or purchase of parsonage house or glebe lands.

perpetual curacy or parochial chapelry, either for equality of exchange, or towards and in part of equality of exchange, or for the price or purchase money, or towards and in part of the price or purchase money of any house, outbuildings, yards, gardens and appurtenances, or any lands, or any or either of them, by the said recited act authorized to be taken in exchange or to be purchased, and from and after such exchange or purchase to be annexed to and to be and become the parsonage and glebe house and glebe lands and premises of such benefice, perpetual curacy or parochial chapelry, as in the said recited act is mentioned.

55 G. 3, c. 147,
s. 16.

Barrister
directed by
recited act
to be named
by justices
of nisi prius
to be named
in Chester
and Wales
by the chief
justice, &c.
there.

II. And whereas it is by the said recited act enacted, that the bishop shall in cases of exchange and purchase under the said act issue a commission of inquiry for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister of three years' standing at the least, to be named by the senior judge of nisi prius for the county in which the benefice, perpetual curacy or parochial chapelry, whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act shall be situate; but inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the county palatine of *Chester* nor to the principality of *Wales*; be it therefore enacted, that where any exchange or purchase shall be made or be proposed to be made under the authority of the said act in any benefice, perpetual curacy or parochial chapelry, situate within the said county palatine of *Chester*, or within the said principality of *Wales*, such barrister shall be named by the chief justice for the time being of the said county palatine of *Chester* or by the justice, or, in case of his absence, the other justice of the great sessions for those counties within the said principality of *Wales*, within which said county palatine or respective counties of the said principality of *Wales* the said benefice, perpetual curacy or parochial chapelry, shall be situate.

1 GEORGE 4, CAP. 6.—*An act to amend and render more effectual an act, passed in the fifty-fifth year of his late majesty's reign, for enabling spiritual persons to exchange their parsonage houses or glebe lands, and for other purposes therein mentioned.*—Whereas an act was

55 G. 3, c. 127.

passed in the fifty-fifth year of the reign of his late majesty king George the third, intituled *an act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands so taken in exchange to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases, and for other purposes:* and whereas it is by the said recited act enacted, that the bishop shall, in cases of exchange and purchase under the said act, issue a commission of inquiry for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister of three years' standing at the least, to be named by the senior judge of nisi prius for the county in which the benefice, perpetual curacy or parochial chapelry whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act shall be situate; but

Sec. 16.

inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the county of *Middlesex*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where any exchange or purchase shall be made or be proposed to be made under the authority of the said act in any benefice, perpetual curacy or parochial chapelry, situate within the said county of *Middlesex*, such barrister shall be named by the chief justice of the court of king's bench for the time being, or by the chief justice of the court of common pleas at *Westminster* for the time being.

Barristers
named in
commis-
sions for ex-
changes, &c.
in *Middlesex*
named by
chief justice
of K. B. or
C. P.

II. And whereas it is by the said recited act enacted, that so much of the forms contained in the schedules of the said therein recited acts of the seventeenth and twenty-first years of his then (and now late) majesty king *George* the third, as were applicable to the provisions of that act, should, with such variations thereof as should render them so applicable, be used and applied to the purposes of that act; but inasmuch as the said forms contained in the said schedules are not adapted to the provisions of the said first recited act, and the endeavours so to apply the said forms have been attended with inconvenience; be it therefore further enacted by the authority aforesaid, that so much of the said first recited act as directs that the forms contained in the schedules of the said acts of the seventeenth and twenty-first years of the reign of his said late majesty should be used and applied to the purposes of the said first recited act, shall be and the same is hereby repealed.

55 G. 3, c. 147,
s. 20, repealed

6 GEORGE 4, CAP. 8.—*An act to amend and render more effectual an act passed in the fifty-fifth year of the reign of his late majesty, for enabling spiritual persons to exchange their parsonage houses or glebe lands; and for other purposes therein mentioned.*—Whereas an act was passed in the fifty-fifth year of the reign of his late majesty king *George* the third, intituled *an act for enabling spiritual persons to exchange the parsonage or glebe houses, or glebe lands, belonging to their benefices, for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands, so taken in exchange, to such benefices as parsonage or glebe houses and glebe lands; and for purchasing and annexing lands to become glebe in certain cases; and for other purposes:* and whereas it is by the said recited act enacted, that the bishop shall, in cases of exchange and purchase under the said act, issue a commission of inquiry, for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister of three years' standing at the least, to be named by the senior judge of nisi prius for the county in which the benefice, perpetual curacy or parochial chapelry, whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act shall be situate; but inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the counties palatine of *Lancaster* and *Durham*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where any exchange or purchase shall be made,

55 G. 3, c. 147.

Sec. 16.

Chief justice
of C. P. for
county pala-
tine of Lan-
caster or
Durham to

act in cases
of exchange
or purchase
underrecited
act.

Power to
exchange
glebe lands
for others
extended to
any number
of acres, sub-
ject to 55 G.
3, c. 147, and
56 G. 3, c. 52.

55 G. 3, c. 147,
s. 6.

Exchanges
may be made
for lands or
tenements
that are
copyhold,
and not held
of a manor
belonging to
the benefice,
&c.;

with consent
of lord of
manor.
Lands, &c.
so taken by
incumbent

or proposed to be made, under the authority of the said act, in any benefice, perpetual curacy or parochial chapelry, situate within the said counties palatine of *Lancaster* or *Durham*, such barrister shall be named by the chief justice or senior judge for the time being of the court of common pleas for the said counties palatine respectively.

II. And whereas it is expedient that the incumbents of benefices, perpetual curacies and parochial chapelries, should be enabled to exchange the glebe lands belonging to their benefices, perpetual curacies, or parochial chapelries, to a greater amount than thirty statute acres; be it therefore enacted, that from and after the passing of this act, the power to exchange glebe lands for others of equal value, which is given to parsons, vicars and other incumbents by the above recited act passed in the fifty-fifth year of the reign of his late majesty, king *George* the third, be extended to any number of statute acres, but subject to all the provisions, conditions and restrictions contained in the above recited act, and also to those in another act passed in the fifty-sixth year of his late majesty's reign, intituled *an act to amend and render more effectual an act passed in the last session of parliament, for enabling spiritual persons to exchange their parsonage houses or glebe lands, and for other purposes therein mentioned.*

III. And whereas, by the said recited act of the fifty-fifth year of the reign of his late majesty king *George* the third, the powers of exchange thereby given are limited to such houses, outbuildings, yards, gardens and appurtenances and lands, to be accepted and taken in exchange by the spiritual persons therein named, as are of freehold tenure, or copyhold of inheritance, or for life or lives, holden of any manor belonging to the benefice in respect of which any such exchange is intended to be made: and whereas it may happen that such exchanges may sometimes be beneficially made where the lands or tenements so to be accepted and taken in exchange are copyhold of inheritance, holden of some manor not belonging to the benefice in respect of which such exchange is intended, and without injury to the lord or lords, lady or ladies of such manor; be it therefore enacted, that from and after the passing of this act it shall and may be lawful for the parson, vicar or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy or parochial chapelry, to grant and convey, in the manner, and by and under the several powers, provisions, conditions and restrictions contained in the said act, and in the said act of the fifty-sixth year of the reign of his said majesty, and in this act, to any such person or persons, or corporation, as in the said first mentioned act are described, any such lands or tenements as are described in the same act, belonging to his benefice, in lieu of and in exchange for any lands or tenements of the description mentioned in the said first mentioned act, as those which are thereby authorized to be accepted and taken in exchange by any such parson, vicar or other incumbent, although such last mentioned lands or tenements may be copyhold of inheritance holden of a manor not belonging to such ecclesiastical benefice, perpetual curacy or parochial chapelry: provided always, that no such exchange be made without the consent of the lord of the manor of which the lands to be taken in exchange are holden: provided always, that from and immediately after such conveyance, the lands

or tenements accepted and taken in exchange by any such parson, vicar or other incumbent, shall become and be of freehold tenure, and the lands or tenements by him granted and conveyed, and which before such conveyance belonged to his benefice, perpetual curacy or parochial chapelry, shall become copyhold of the same manor, and subject to the same rents, fines, services, customs and manorial rights and properties, to all intents and purposes, as the lands or tenements so to be accepted and taken in exchange were subject to before the making of such exchange: provided always, that from and after the passing of this act, three calendar months' notice shall be sufficient for the purpose of any exchange or purchase, instead of six calendar months, as by the said act of the fifty-fifth year of the reign of his said late majesty is required.

to become
freehold,
premises
granted by
him, copy-
hold.

Notice of
exchange,

7 GEORGE 4, CAP. 77, SEC. 33.—*An act to extend to Charing Cross, the Strand, and places adjacent, the powers of an act for making a more convenient communication from Marylebone Park; and to enable the commissioners of his majesty's woods, forests and land revenues to grant leases of the site of Carlton palace.*

XXXIII. Whereas the vicar of the said parish of *Saint Martin in the Fields* is seized and possessed of eleven messuages or dwelling houses, with their appurtenances, situate, lying and being in *Saint Martin's Lane*, and the church-yard of and in the said parish of *Saint Martin in the Fields* aforesaid, belonging to the said vicarage, and part of the glebe thereof, ten of which said messuages or dwelling houses are subject to leases granted thereof by the said vicar or his predecessors for terms of forty years, commencing at different periods, renewable at the end of every fourteen years, under certain annual rents, amounting together to the sum of sixty pounds or thereabouts; and the other of the said messuages or dwelling houses is now in the occupation of the said vicar: and whereas the said several messuages or dwelling houses, with their appurtenances, are part of the premises described in the hereinbefore mentioned plan, and the same being required to carry into effect and complete the improvements hereinbefore mentioned, the said commissioners for executing this act have agreed with the said vicar, by and with the consent and approbation of the lord bishop of *London*, for a conveyance to be made to the said commissioners of all the right, title and interest of the said vicar in and to the several messuages or dwelling houses and premises hereinbefore mentioned, in exchange for a conveyance by the said commissioners on the part of his majesty, his heirs and successors, to the said vicar and his successors, of freehold messuages or dwelling houses, buildings and premises, belonging to the crown, situate within the cities of *London* or *Westminster*, the same being of equal rent and value; be it therefore enacted, that it shall and may be lawful for the said commissioners for executing this act, and for the vicar of the said parish of *Saint Martin in the Fields* for the time being, to contract and agree for a conveyance to the said commissioners of all the right, title and interest of the said vicar in and to the said eleven several messuages or dwelling houses, with the appurtenances, so vested in him as aforesaid, in exchange for a conveyance by the said commissioners, on the part of his majesty, his heirs or successors, to the said vicar

Commission-
ers may con-
tract with
vicar of St.
Martin in the
Fields for
conveyance
of certain
messuages
belonging to
the said
vicarage, in
exchange for
messuages

belonging to
the crown.

No lease to
be granted
by vicar, of
such messu-
ages, without
reserving a
rent equal to
half value.

and his successors, of freehold messuages or dwelling houses and hereditaments belonging to the crown, situate and being in the said cities of *London* and *Westminster*, or one of them, of equal rent and value; and the said last mentioned messuages or dwelling houses and premises shall, when so conveyed as aforesaid, be held by the said vicar and his successors, to, for and upon, and under and subject to such and the same trusts, ends, intents and purposes, as the said several messuages or dwelling houses and hereditaments so to be conveyed by him to the said commissioners, in exchange as aforesaid, are now subject to; provided, that it shall not be lawful for the said vicar and his successors at any time hereafter to grant any lease or leases of the said several messuages or dwelling houses and hereditaments so to be conveyed to the said vicar in exchange as aforesaid, or any of them, without reserving to the said vicar and his successors for the time being for ever, such clear annual rent or rents as shall be equal to one moiety or half part at least of the gross yearly value of the premises to be comprised in and demised by such lease or leases; such rents or rent to be made payable to the vicar of the said parish and his successors during the whole term or time of the continuance of such lease or leases respectively.

Proprietors
of lands in
common
fields may
exchange
the same.

4 & 5 WILLIAM 4, CAP. 30.—*An act to facilitate the exchange of lands lying in common fields.*—Whereas it is expedient to facilitate the exchange of pieces of land lying intermixed and dispersed in common fields, meadows, or pastures, for other pieces of land, either lying therein, or being part of the enclosed lands in the same or any adjoining parish: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for any person who shall be seized or possessed of or entitled in possession to any land in any common field, as tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the courtesy of *England*, or for any other estate of freehold, or for years determinable on any life or lives, or for any term of years whereof one hundred years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who at the time of making any exchange authorized by this act shall be an infant, idiot, lunatic, or feme covert, or under any other disability, by such deed and with such consent as hereinafter mentioned to grant and convey such land or any part thereof to any other person in lieu of and in exchange for any other land, whether lying in the same or any other common field, or for any enclosed land lying within the same or any adjoining parish, and to accept and take from such other person any land in lieu of and in exchange for the land in such common field.

All persons
enabled to
give land in
exchange
for such
common field
land.

II. And be it further enacted, that it shall be lawful for any person who shall be seized or possessed of or entitled in possession to any land which it may be desirable to exchange for the land in such common field, whether such person shall be tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the courtesy of *England*, or for any other estate of freehold, or for years deter-

minable on any life or lives, or for any term of years whereof one hundred years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to such exchange, and to grant and convey such land to the person proposing to make such exchange in lieu of and in exchange for the land lying in such common field subject to the provisions hereinafter contained.

III. Provided always, and be it further enacted, that when any such exchange shall be made by any person having a less estate or interest than in fee simple in the land to be by him granted or conveyed in exchange, or shall be made by any person under any disability, the land to be so taken in exchange shall at the time of making such exchange be, or shall by the payment of a sufficient sum for equality of exchange be made, of equal value with or not of less value than the land to be granted or conveyed in exchange.

Land given in exchange by persons having limited interests to be of equal value with lands taken.

IV. And be it further enacted, that whenever any exchange shall be proposed to be made under the authority of this act, and either of the parties thereto shall have a less estate or interest in the land to be by him granted or conveyed in exchange than a fee simple, or shall be under any disability, such exchange shall not be completed unless the person to whom the next immediate vested estate of freehold in remainder or reversion shall have been limited (provided such person shall be of the full age of twenty-one years, and being a female shall be unmarried), shall consent thereto, and shall testify such consent by signing the draft deed of exchange hereinafter mentioned, and such consent shall be sufficient for the purpose of authorizing such exchange notwithstanding the person giving the same may have an equitable estate only in the land intended to be conveyed in exchange, or may have previously disposed of or charged or incumbered his reversionary estate therein: provided always, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited shall at the time of such exchange happen to be an infant or feme covert, or an idiot or lunatic, then and in such case it shall be lawful for the guardian or husband or committee of such infant, feme covert, idiot, or lunatic (such guardian, husband, or committee not being himself the person by whom the exchange is proposed to be made) to consent to such exchange, and to sign the draft deed of exchange in his or her stead: provided further, that whenever the guardian or husband or committee of such infant, feme covert, idiot, or lunatic shall himself be the person by whom such exchange is proposed to be made, then and in such case it shall be lawful for the court of chancery, upon petition, to be preferred to the said court in a summary way, to appoint a person to act as protector to such infant, feme covert, idiot, or lunatic for the purposes of this act, and, if he shall think fit so to do, to consent to such exchange, and to sign the draft deed of exchange in the stead of such infant, feme covert, idiot, or lunatic, or of his or her guardian, husband, or committee.

If exchange made by any person having only a limited interest, or being under disability, the consent of the person next in remainder to be obtained.

In case the person next in remainder should be an infant, &c.

V. Provided always, and be it further enacted, that no exchange shall be made of any land held in right of any benefice, without the consent of the patron thereof, and of the archbishop or bishop to

Consent of patron and bishop necessary for

exchange of
land held in
right of a
church.

whose ordinary or peculiar jurisdiction the said benefice may be subject, such consent to be signified by the patron and archbishop or bishop respectively signing the draft deed of exchange hereinafter mentioned; and such consent, when so given and signified, shall be a sufficient authority for such exchange, any law or statute to the contrary notwithstanding: provided always, that if the patronage of such benefice shall happen to be in the crown, and the benefice shall exceed the yearly value of twenty pounds in the king's books, it shall be lawful for the lord high treasurer or the first lord commissioner of the treasury for the time being, but if it shall not exceed the yearly value of twenty pounds in the king's books, then for the lord high chancellor, lord keeper or lords commissioners of the great seal, for the time being, to consent to such exchange and to sign the draft deed of exchange on behalf of the crown; and if the patronage of such benefice shall happen to be in the crown in right of the duchy of *Lancaster* it shall be lawful for the chancellor for the time being of the said duchy to consent to such exchange and to sign the draft deed of exchange on behalf of the crown; and if the patronage of such benefice shall be part of the possessions of the duchy of *Cornwall* it shall be lawful for the duke of *Cornwall* for the time being, if of full age, but if not of full age, or in case such benefice shall be within the patronage of the crown in right of the duchy of *Cornwall*, then for the same person who is hereinbefore authorized to consent on behalf of the crown in respect of a benefice in the patronage of the crown, to consent to such exchange and to sign the draft deed of exchange on behalf either of the duke of *Cornwall*, or, as the case may be, on behalf of the crown in right of the duchy of *Cornwall*; and if the patron of such benefice shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of such patron to consent to such exchange and to sign the draft deed of exchange in the stead of such patron, and on his or her behalf.

Draft deed
of exchange
to be signed
or sealed by
ecclesiastical
person or
corporation
consenting.

VI. Provided always, and be it further enacted, that no exchange shall be made under the authority of this act by any bishop, dean, or other head of a chapter, archdeacon, prebendary, or other ecclesiastical corporation sole, unless, in the case of a bishop, with the consent of the archbishop of the province, to be signified by such archbishop signing the draft deed of exchange hereinafter mentioned, or unless, in the case of a dean or other head of a chapter, with the consent of the chapter, to be signified by their affixing their common seal to the said draft deed of exchange, or unless, in the case of an archdeacon, prebendary, or other ecclesiastical corporation sole, with the consent of the archbishop or bishop of the diocese, to be signified by such archbishop or bishop signing the said draft deed of exchange.

Exchange to
be made in
the form
given in the
schedule.

VII. And be it further enacted, that every exchange under the authority of this act shall be made according to the form in the schedule to this act annexed, or as near thereto as the number of parties and the circumstances of the case will admit, and shall, when executed by the respective parties, be valid and effectual in the law to all intents and purposes, without livery of seizin made or taken, or any other act done, by any person or party to perfect or complete the same.

VIII. Provided always, and be it further enacted, that whenever any land held by copy of court roll shall be exchanged under the authority of this act, the deed of exchange, when executed by the respective parties, shall be produced to the lord of the manor of which the land may be parcel, or to his steward, or to the deputy of such steward, who shall cause the same to be entered on the court rolls of the manor.

In case of copyholds, the deed of exchange to be entered on the court rolls.

IX. And be it further enacted, that the fees and charges to be demanded by and paid to any steward of a manor for entering on the court rolls of such manor any deed of exchange or other instrument required by this act to be entered thereon shall not exceed the sum of sixpence for every law folio of seventy-two words contained in such deed or other instrument.

Fees to stewards.

X. And be it further enacted, that whenever any exchange shall be made under the authority of this act by any archbishop, bishop, dean or other head of a chapter, dean or other head of a chapter and chapter, archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of any benefice, the deed of exchange, when executed by the respective parties shall, in the case of the exchange being made by an archbishop or bishop, be entered in his own registry, and in the case of the exchange being made by a dean or other head of a chapter, or by a dean or other head of a chapter and chapter, be entered in the registry of such chapter, and in the case of the exchange being made by an archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of a benefice, be entered in the registry of the bishop of the diocese.

In case of church lands deed to be entered in the proper ecclesiastical registry.

XI. And be it further enacted, that an office copy of any deed of exchange or other instrument which under the provisions of this act shall be entered on any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places, and every person shall be entitled to require any such office copy, and shall also be allowed at all usual and proper times to search for and inspect any deed of exchange or other instrument which shall be so entered; and the registrar shall be entitled to charge for the entry of every such deed of exchange or other instrument after the rate of sixpence for every law folio of seventy-two words contained therein, and the sum of one shilling, and no more, for allowing any such search or inspection as aforesaid, and after the rate of sixpence for every law folio of seventy-two words in any office copy to be made and certified as aforesaid.

Office copies of instruments deposited in the registry to be evidence.

XII. And be it further enacted, that before any exchange shall be made under the authority of this act a draft of the intended deed of exchange, containing a correct description of the several lands proposed to be exchanged, and signed by the respective parties, and also by the several persons whose consent to such exchange is hereinbefore required to be given, and accompanied by an estimate of the value as well of the land proposed to be given as of the land proposed to be taken in exchange, and whenever the exchange shall be proposed to be made by or with any person under disability, then accompanied also by a copy of the several limitations contained in the deed or will under which such person may be entitled, shall be deposited with the clerk of the peace of the county in which the

Draft of intended exchange to be deposited with the clerk of the peace, and notice thereof inserted in some newspaper circulating in the county

greater part of the land may be situated; and a notice of such draft and estimate having been so deposited (such notice containing a description of the land intended to be exchanged) shall be published in some newspaper usually circulated in the county wherein such land is situated at three several times in three successive months after such draft and estimate shall have been so deposited: provided always, that whenever a corporation aggregate shall be one of the parties to such proposed exchange, or the consent of a corporation aggregate shall be necessary thereto, the affixing of the common seal of such corporation to such draft deed of exchange shall be deemed a sufficient compliance with the provisions of this act.

Proviso as to certain corporations.

Persons having any objections to deposit them with the clerk of the peace within a certain time.

XIII. And be it further enacted, that if any person claiming to have an interest in the land proposed to be exchanged shall object to such exchange, it shall be lawful for him to state such objection in writing, and to deposit the same with the clerk of the peace at any time not less than fourteen days before the holding of the assizes at which such proposed exchange shall be taken into consideration as hereinafter mentioned; and such draft deed of exchange, and estimate, and copy of limitations, and the said statement of objection, shall be open to the inspection of any person.

Fees to be taken by clerks of the peace.

57 G. 3, c. 91.

XIV. And be it further enacted, that the justices of the peace for the several counties, ridings, divisions, cities, towns, liberties, and precincts, within *England* and *Wales*, shall in the manner directed by an act passed the fifty-seventh year of the reign of king *George* the third, intituled *an act to enable justices of the peace to settle the fees to be taken by the clerks of the peace of the respective counties and other divisions of England and Wales*, ascertain, make, and settle a table of fees and allowances, to be taken by the clerks of the peace for such counties, ridings, divisions, cities, towns, liberties, and precincts, for their trouble in the execution of the duties imposed upon them by this act, and such fees shall be subject to alteration and regulation in the manner by the said act directed.

Clerk of the peace to cause draft deed, &c. to be laid before a judge of assize, who shall appoint a barrister to consider the same.

XV. And be it further enacted, that the clerk of the peace shall cause the said draft deed of exchange, estimate, and statement of objection (if any), and all other papers relating thereto, to be laid before the senior judge of nisi prius at the assizes to be holden next after the expiration of three months from the time of the deposit of such draft deed of exchange with the clerk of the peace as aforesaid; and such judge shall appoint a barrister, of not less than five years' standing, for taking into consideration the said draft deed and statement, who shall forthwith appoint a time for that purpose.

Barrister may summon witnesses.

False swearing perjury.

XVI. And be it further enacted, that such barrister shall be empowered to summon and to compel the attendance of witnesses, and to administer an oath; and that any person wilfully swearing falsely before such barrister shall be liable to all the penalties of wilful perjury.

Barrister to examine witnesses, and determine objections.

XVII. And be it further enacted, that such barrister shall satisfy himself, by the production of deeds, the examination of witnesses, or by such other evidence as he shall think fit to require, of the value of the lands proposed to be exchanged, and that the person proposing to make such exchange is not under any disability, or if he is that the person stated to have the next immediate vested estate

of freehold in reversion or remainder has such estate, and that the notices and the consents required by this act have been duly given; and such barrister shall hear and determine all objections (if any) which may have been made by any person claiming to have an interest in the land proposed to be exchanged.

XVIII. And be it further enacted, that after such inquiry shall have been had before such barrister he shall grant a certificate under his hand, in which he shall state that the parties proposing to make such exchange are not under any disability, or if they are, or either of them is under disability, that the persons or person having the next immediate vested estate of freehold in remainder or reversion have concurred therein, that the persons whose consents are required under this act have consented to the exchange, and that the equality and fairness of the proposed exchange have been proved, or otherwise, as the case may be; and he shall suggest in such certificate such alterations as to him may seem expedient for the better protecting the rights of parties having an interest in the lands proposed to be exchanged.

After inquiry the barrister to certify as the case may be.

XIX. And be it further enacted, that in any case of an exchange to be made under this act in which there shall be a difference of not more than one-fifth in the value of the lands proposed to be exchanged, it shall be lawful for the said barrister to allow or insert a provision in such exchange for the payment in money of such difference in value: provided always, that no exchange shall be made under the authority of this act in which there shall be a difference of more than one-fifth part in the value of the lands proposed to be exchanged.

In case of an exchange in which there shall be a difference in value of not more than one-fifth.

XX. And be it further enacted, that the said certificate, together with the said draft deed of exchange, and estimate, and such statement of objections, if any, and all other papers relating thereto, shall be laid before the said judge of assize, who shall thereupon make such order therein, either for confirming the said exchange, or for annulling the same, or for altering the same, as to him may seem expedient; and the said draft deed of exchange when so confirmed or altered by the said order shall be immediately engrossed and executed by the necessary parties, and shall, when so executed, be binding upon the owners and proprietors of the pieces of land so exchanged, and all other parties interested therein: provided always, that before making such final order it shall be lawful for such judge to institute or cause to be instituted such further inquiry, by the means aforesaid, into the several matters relating to any such agreement, as he may think necessary.

Certificate with draft deed, &c. to be laid before the judge, who shall make order thereupon.

Judge may institute further inquiry.

XXI. Provided also, and be it enacted, that such barrister shall further certify to the said judge by whom and in what proportions the costs and charges of such proceedings relative to such agreement ought to be borne, and thereupon the said judge shall make such order for payment of such costs and charges as he may think right: provided always, that in the case of any disagreement respecting the amount of such costs, such costs shall be taxed by the master or secondary of the court of king's bench.

Costs and charges of proceedings.

XXII. And be it further enacted, that every barrister before whom any inquiry shall be had under the authority of this act shall

Remuneration to barrister.

be entitled to be paid at the rate of five guineas for every day that he shall be employed in making such inquiry, over and above his travelling and all other expenses; and every such barrister shall after the termination of such inquiry transmit a statement of the number of days during which he shall have been so employed, and an account of the travelling and all other expenses incurred by him in respect of such employment, to the judge by whom he shall have been appointed, or, in case of the death or illness or retirement of such judge, to any other judge of the superior courts of record at *Westminster*, who shall examine and allow the same, or so much or such parts thereof as he shall see fit; and the same when so allowed shall be paid in the same manner as the other costs and charges incident to such exchange are hereinbefore directed to be paid: provided always, that if more than one case of exchange shall be referred to the same barrister, the remuneration to such barrister shall not be cumulative, but shall be considered as fixed for the day and not for the case.

Application
of money paid
for equality
of exchange
when party
entitled to
the same un-
der disability

XXIII. And be it further enacted, that in case any money shall be directed to be paid by either party to the other of them for equality of exchange, and the party to whom such money shall be directed to be paid shall (in case it shall exceed the sum of twenty pounds) be paid with all convenient speed into the bank of *England* in the name and with the privity of the accountant-general of the court of chancery, to be placed to his account there *ex parte* the person entitled to the rents and profits of the land for or in respect of which such money shall be payable, to the intent that such money shall be applied, under the direction of the court, to be signified by an order made in a summary way upon a petition to be preferred by or on behalf of the person who would have been entitled to the rents and profits of the said land, either in the purchase or redemption of the land tax, or in discharging any debt or incumbrance affecting the said land, or affecting any other lands standing settled therewith to the same or the like uses, or in the purchase of other lands, which shall be conveyed to the same or the like uses, or such of them as shall be then subsisting and capable of taking effect; and in the meantime and until such purchase shall be made the said money shall, by order of the said court, upon application thereto, be invested by the said accountant-general in his name in some of the public funds, and the dividends thereof shall from time to time be paid to the person who would have been entitled to the rents of the land so to be purchased and settled; but in case such money shall not exceed the sum of twenty pounds, then the same shall be paid to the person entitled to the rents and profits of the land for or in respect of which the same may be payable, or in case of infancy, lunacy, idiotcy, or coverture, to his or her guardian, committee, or husband, as the case may be.

Lands given
in exchange
to be exone-
rated from
the uses af-
fecting them
at the time,
and to
become sub-

XXIV. And be it further enacted, that from and immediately after such deed of exchange as hereinbefore is mentioned shall have been duly executed by the necessary parties, the land which by such deed is given in exchange shall be exonerated and discharged from the uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and

become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, as affected the land taken in exchange at the same date; and the land so taken in exchange shall be exonerated and discharged from all uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances as affected the lands given in exchange at the same time.

XXV. And be it further enacted, that no person to whom any land shall have been granted or conveyed in exchange according to the provisions of this act shall at any time thereafter be evicted from the peaceable and quiet possession of such land by reason or in consequence of any person claiming right thereto through any title prior to that of, or through any defect of title in, the person by whom such land may have been granted or conveyed; but nevertheless it shall be lawful for the person claiming such right, and he is hereby authorized and empowered, to use, exercise, and enjoy all such and the same powers and remedies in trying his right to and in obtaining and recovering possession of the land which shall have been granted or conveyed in exchange as the person so claiming would in case this act had not been made have been enabled to use, exercise, or enjoy in trying the right to and recovering the possession of the land in exchange for which the same shall have been so granted or conveyed under the authority of this act.

ject to such
uses as
affected the
lands taken.

After ex-
change party
not to be
evicted.

XXVI. Saving always to the king's most excellent majesty, his heirs and successors, and to all and every other person, bodies politic, corporate and collegiate, his and their heirs, successors, executors, and administrators, (other than and except the several owners and proprietors of the said exchanged lands, and the several persons and parties who shall have consented to such exchange, and all other persons claiming under them, or under the same will or deed or other conveyance as the said owners and proprietors, any right, title, estate, or interest to or in the said exchanged lands), all such estate, right, title, interest, claim, and demand whatsoever as they, every or any of them had before the making and confirming of any such exchange, or could or might have had or enjoyed in case such exchange had not been made.

General
saving.

XXVII. And be it further enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in the construction of this act, except where the nature of the provision or the context of the act shall exclude such construction, be interpreted as follows; that is to say, the word "Person" shall extend as well to an individual as to a body politic, corporate or collegiate, and to a corporation as well aggregate as sole, whether such corporation be eleemosynary or civil, ecclesiastical or lay; the word "Benefice" shall extend to and be taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapelries, district parishes and district chapelries, and churches and chapels having a district assigned thereto; the word "Land" shall extend to every species of land, whether arable, meadow or pasture, and

Meaning of
words in the
act.

whether freehold, copyhold, or customary, or held by any other tenure, and as well to one piece or parcel as to any number of pieces or parcels of land; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

To extend to
England and
Wales.

Act may be
altered this
session.

XXVIII. And be it further enacted, that this act shall extend only to that part of the united kingdom called *England* and *Wales*.

XXIX. And be it further enacted, that this act or any of the provisions thereof may be altered or repealed by any act to be passed in this present session of parliament.

The Schedule to which the foregoing Act refers.

This indenture, made the _____ day of _____ in the year _____ between *A. B.* of _____ of the one part, and *C. D.* of _____ of the other part, witnesseth, that in pursuance and under the authority of an act passed in the _____ year of the reign of his majesty king *William* the fourth, intituled [*here set forth the title of this act*], the said *A. B.* doth grant and convey all the land comprised in the first schedule hereunder written, marked with the letter *A.*, unto the said *C. D.*, in lieu of and in exchange for the land comprised in the second schedule hereunder written, marked with the letter *B.*, to the end and intent that the land comprised in the first schedule may be held and enjoyed by the said *C. D.* and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the land comprised in the second schedule now is or may be subject or liable to: and this indenture further witnesseth, that in pursuance of the said act the said *C. D.* doth grant and convey all the land comprised in the second schedule hereunder written, marked with the letter *B.*, unto the said *A. B.*, in lieu of and in exchange for the land comprised in the first schedule hereunder written, marked with the letter *A.*, to the end and intent that the land comprised in the second schedule may be held and enjoyed by the said *A. B.* and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the land comprised in the first schedule now is or may be subject or liable to. In witness, &c.

Schedule A. containing the land conveyed by *A. B.* to *C. D.*

Schedule B. containing the land conveyed by *C. D.* to *A. B.*

Witness

E. F.

G. H.

A. B. (L. s.)

C. D. (L. s.)

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

FAIRS AND MARKETS.

27 HENRY 6, CAP. 5.—*Certain days wherein fairs and markets ought not to be kept.*—Item, considering the abominable injuries and offences done to Almighty God, and to his saints, always aiders and singular assisters in our necessities, because of fairs and markets upon their high and principal feasts, as in the feast of the *Ascension* of our Lord, in the day of *Corpus Christi*, in the day of *Whitsunday*, in *Trinity Sunday*, with other *Sundays*, and also in the high feast of the *Assumption* of our blessed lady, the day of *All Saints*, and on *Good Friday*, accustomed and miserably holden and used in the realm of *England*; in which principal and festival days, for great earthly covetise, the people is more willingly vexed, and in bodily labor foiled, than in other ferial days, as in fastening and making their booths and stalls, bearing and carrying, lifting and placing their wares outward and homeward, as though they did nothing remember the horrible defiling of their souls in buying and selling, with many deceitful lies, and false perjury, with drunkenness and strifes, and so specially withdrawing themselves and their servants from divine service; the foresaid lord the king, by the advice and assent of the lords spiritual and temporal, and the commons of this realm of *England*, being in the said parliament, and by authority of the same parliament, hath ordained, that all manner of fairs and markets in the said principal feasts and *Sundays*, and *Good Friday*, shall clearly cease from all shewing of any goods or merchandizes (necessary victual only except) upon pain of forfeiture of all the goods aforesaid, so shewed, to the lord of the franchise or liberty where such goods, contrary to this ordinance, be or shall be shewed (the four *Sundays* in harvest except.) Nevertheless, of his special grace, by authority aforesaid, granteth to them power, which of old time had no day to hold their fair or market but only upon the festival days aforesaid, to hold by the same authority and strength of his old grant, within three days next before the said feasts, or next after, proclamation first made to the simple common people, upon which day the aforesaid fair shall be holden, always to be certified, without any fine or fee to be taken to the king's use; and they which of old time have, by special grant, sufficient days before the feasts aforesaid, or after, shall in like manner as is aforesaid, hold their fairs and markets the full number of their days, the said festival days and *Sundays*, and *Good Fridays*, except.

The penalty on those who shall keep fairs or markets on *Sundays*.

II. Provided always, that this present ordinance shall begin to take effect at the feast of *Saint Michael*, next coming, and not before, and shall endure until the next parliament, and so forth, except in the said parliament a reasonable cause be alleged, shewed, and proved, for the which it shall seem not expedient that the foresaid ordinance so shall endure.

FARMS HELD BY SPIRITUAL PERSONS.

21 HENRY 8, CAP. 13, SECS. 1—8, 30, 32, 34, 35.—*Spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.*—See Title—“PLURALITIES.”

41 GEORGE 3, CAP. 102.—*An act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms.*—Whereas many of the provisions of an act made in the twenty-first year of the reign of his majesty king *Henry* the eighth, intituled, *spiritual persons abridged from having pluralities of livings, and from taking of farms, et cetera*, have been found inconvenient, and have given occasion to many vexatious prosecutions, which it is expedient to prevent the further proceeding in at present; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, it shall and may be lawful for the defendant in any action already commenced, or which shall be commenced, for any penalty under the said act, previous to the twenty-fifth day of *March* one thousand eight hundred and two, to apply to the court in which such action shall be brought, during the sitting of such court, or to any judge of such court during vacation, for stay of proceedings in such action: and such court and such judge respectively are hereby required to stay such proceedings accordingly, until the said twenty-fifth day of *March*.

Proceedings in actions already commenced, or which shall be commenced, for any penalty underrecited act, shall, on application of the defendants, be stayed till March 25, 1802.

42 GEORGE 3, CAP. 30.—*An act to continue, until the twenty-fifth day of July one thousand eight hundred and two, an act made in the last session of parliament, intituled, an act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms.*

41G.3, (U.K.) c. 102.

43 GEORGE 3, CAP. 84.—*An act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England.*—See Title—“RESIDENCE OF SPIRITUAL PERSONS, ENGLAND.”

43 GEORGE 3, CAP. 109.—*An act to rectify a mistake in an act, made in this present session of parliament, intituled, an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England; and to remove a doubt respecting the title of the statute of the twenty-first year of king Henry the eighth therein mentioned.*—See Title—“RESIDENCE OF SPIRITUAL PERSONS, ENGLAND.”

FAST DAYS.

2 & 3 EDWARD 6, CAP. 19.—*An act touching abstinence from flesh in Lent and other usual times.*—Albeit the king's subjects now having a more perfect and clear light of the gospel and true word of God, through the infinite mercy and clemency of Almighty God, by the hands of the king's majesty, and his most noble father of famous memory, promulgate, shewed, declared and opened, and thereby perceiving that one day or one kind of meat of itself is not more holy, more pure, or more clean than another, for that all days and all meats be of their nature of one equal purity, cleanness and holiness, and that all men should by them live to the glory of God, and at all times and for all meats give thanks unto him, of which meats none can defile christian men or make them unclean at any time, to whom all meats be lawful and pure, so that they be not used in disobedience or vice: yet forasmuch as divers of the king's subjects, turning their knowledge therein to satisfy their sensuality, where they should thereby increase in virtue, have of late time more than in times past broken and contemned such abstinence, which hath been used in this realm upon the *Fridays* and *Saturdays*, the embring days, and other days, commonly called vigils, and in the time commonly called *Lent*, and other accustomed times: the king's majesty considering that due and godly abstinence is a mean to virtue, and to subdue mens' bodies to their soul and spirit, and considering also specially that fishers and men using the trade of living by fishing in the sea, may thereby the rather be set on work, and that by eating of fish much flesh shall be saved and increased, and also for divers other considerations and commodities of this realm, doth ordain and enact, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all manner of statutes, laws, constitutions and usages, concerning any manner of fasting or abstinence from any kinds of meats heretofore in this realm made or used, shall from the first day of *May* next ensuing lose their force and strength, and be void and of none effect, &c.

EXP.
Eating of
flesh on cer-
tain days and
times for-
bidden.
5 & 6 E. 6, c. 3.

Embring
days, Lent.

All laws con-
cerning fast-
ing repealed.
The penalty
for eating of
flesh upon
any day used
commonly as

a fish-day. 27 El. c. 11. Altered as to the penalty. 5 El. c. 5, s. 15, and 35 El. c. 7, s. 22. The penalty for the second offence. Justices of gaol delivery and peace shall determine these offences. To what persons this statute shall not extend. St. Laurence Even, and St. Mark's Day. Within what time the offender shall be indicted. The rest of the act is OBS. the laws appointing fish-days being expired.

5 & 6 EDWARD 6, CAP. 3.—*An act for the keeping holidays and fasting days.*—Forasmuch as at all times men be not so mindful to laud and praise God, so ready to resort and hear God's holy word, and to come to the holy communion and other laudable rites, which are to be observed in every christian congregation, as their bounden duty doth require: therefore to call men to remembrance of their duty, and to help their infirmity, it hath been wholesomely provided, that there should be some certain times and days appointed, wherein the christian should cease from all other kind of labors, and should

Which days
only in the
year shall be
holy-days,
and which
shall be fast-
ing-days.
This act is
not on the
roll.

Wherefore
some days
are more
called holy-
days than
other.

All these
days shall be
kept holy-
days, and
none other.

Which days
shall be com-
manded and
kept fasting-
days.

apply themselves only and wholly unto the aforesaid holy works, properly pertaining unto true religion; that is, to hear, to learn and to remember Almighty God's great benefits, his manifold mercies, his inestimable gracious goodness, so plenteously poured upon all his creatures, and that of his infinite and unspeakable goodness, without any man's desert; and in remembrance hereof, to render unto him most high and hearty thanks, with prayers and supplications for the relief of all our daily necessities: and because these be the chief and principal works wherein man is commanded to worship God, and do properly pertain unto the first table; therefore as these works are most commonly, and also may well be called God's service, so the times appointed specially for the same, are called holy-days; not for the matter and nature either of the time or day, nor for any of the saints' sake, whose memories are had on those days, (for so all days and times considered are God's creatures, and all of like holiness) but for the nature and condition of those godly and holy works, wherewith only God is to be honored, and the congregation to be edified, whereunto such times and days are sanctified and hallowed; this is to say, separated from all profane uses, and dedicated and appointed, not unto any saint or creature, but only unto God and his true worship: neither is it to be thought that there is any certain time or definite number of days prescribed in holy scripture, but that the appointment both of the time and also of the number of the days, is left by the authority of God's word to the liberty of Christ's church, to be determined and assigned orderly in every country, by the discretion of the rulers and ministers thereof, as they shall judge most expedient to the true setting forth of God's glory, and the edification of their people; be it therefore enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all the days hereafter mentioned shall be kept and commanded to be kept holy-days, and none other; that is to say, all *Sundays* in the year, the days of the feast of the *Circumcision* of our Lord Jesus Christ, of the *Epiphany*, of the *Purification* of the Blessed Virgin, of *Saint Matthe* the Apostle, of the *Annunciation* of the Blessed Virgin, of *Saint Mark* the Evangelist, of *Saint Philip* and *Jacob* the Apostles, of the *Ascension* of our Lord Jesus Christ, of the *Nativity* of *Saint John Baptist*, of *Saint Peter* the Apostle, of *Saint James* the Apostle, of *Saint Bartholomew* the Apostle, of *Saint Matthew* the Apostle, of *Saint Michael* the Archangel, of *Saint Luke* the Evangelist, of *Saint Simon* and *Jude* the Apostles, of *All Saints*, of *Saint Andrew* the Apostle, of *Saint Thomas* the Apostle, of the *Nativity* of our Lord, of *Saint Stephen* the Martyr, of *Saint John* the Evangelist, of the holy *Innocents*, *Monday* and *Tuesday* in *Easter* week, and *Monday* and *Tuesday* in *Whitsun* week; and that none other day shall be kept and commanded to be kept holy-day, or to abstain from lawful bodily labor.

II. And it is also enacted by the authority aforesaid, that every even or day next going before any of the aforesaid days of the feasts of the *Nativity* of our Lord, of *Easter*, of the *Ascension* of our Lord, *Pentecost*, and the *Purification* and the *Annunciation* of the aforesaid

Blessed Virgin, of *All Saints*, and of all the said feasts of the Apostles, (other than of *Saint John* the Evangelist, and *Philip* and *Jacob*) shall be fasted, and commanded to be kept and observed, and that none other even or day shall be commanded to be fasted.

III. And it is enacted by the authority aforesaid, that it shall be lawful to all archbishops and bishops in their dioceses, and to all other having ecclesiastical or spiritual jurisdiction, to inquire of every person that shall offend in the premises, and to punish every such offender by the censures of the church, and to enjoin him or them such penance as shall be to the spiritual judge by his direction thought meet and convenient.

Punishment
of offenders
by the eccle-
siastical law.

IV. Provided always, that this act, or any thing therein contained, shall not extend to abrogate or take away the abstinence from flesh in *Lent*, or on *Fridays* and *Saturdays*, or any other day which is already appointed so to be kept, by virtue of an act made and provided in the third year of the reign of our sovereign lord the king's majesty that now is, saving only of those evens or days whereof the holy-day next following is abrogated by this statute; any thing above mentioned to the contrary in any wise notwithstanding.

Abstinence
from flesh in
Lent, *Fri-*
days and
Saturdays.
2 & 3 E. 6,
c. 10.
EXP.

V. Provided also, and be it enacted by the authority aforesaid, that when and so often as it shall chance any of the said feasts (the evens whereof be by this statute commanded to be observed and kept fasting-day) to fall upon the *Monday*; that then, as it hath always been heretofore accustomedly used, so hereafter the *Saturday* then next going before any such feast or holy-day and not the *Sunday*, shall be commanded to be fasted for the even of any such feast or holy-day; any thing in this statute before mentioned or declared to the contrary in anywise notwithstanding.

When the
Saturday
shall be fast-
ed instead of
the *Sunday*.

VI. Provided always, and it is enacted by the authority aforesaid, that it shall be lawful to every husbandman, laborer, fisherman, and to all and every other person or persons, of what estate, degree or condition he or they be, upon the holy-days aforesaid, in harvest, or at any other time in the year when necessity shall require, to labor, ride, fish, or work any kind of work, at their free wills and pleasure; any thing in this act to the contrary in anywise notwithstanding.

In what
cases some
persons may
labor upon
the holy-day.

VII. Provided always, and be it enacted by the authority aforesaid, that it shall be lawful to the knights of the right honorable order of the garter, and to every of them, to keep and celebrate solemnly the feast of their order, commonly called *Saint George's* feast, yearly from henceforth the twenty-second, twenty-third, and twenty-fourth days of *April*, and at such other time and times, as yearly shall be thought convenient by the king's highness, his heirs and successors, and the said knights of the said honorable order, or any of them, now being, or hereafter to be; any thing in this act heretofore mentioned to the contrary notwithstanding. Repealed by 1 M. sess. 2, c. 2, which is repealed by 1 Jac. 1, c. 25, sec. 48.

Knights
of the
garter may
solemnize
St. George's
feast.

1 MARY, SESS. 2, CAP. 2.—*A repeal of the statute 5 & 6 Edward 6, c. 3, made for the keeping of holy-days and fasting-days.*

1 ELIZABETH, CAP. 2, SEC. 14.—*An act for the uniformity of common prayer and service in the church, and administration of the sacraments.*—See Title—"UNIFORMITY OF SERVICE."

1 M. sess. 2, c. 2. 1 JAMES 1, CAP. 25, SEC. 48.—*An act for continuing and reviving of divers statutes, and for repealing of some others.*—Be it further enacted by the authority of this present parliament, that an act made in the first year of the reign of queen *Mary*, intituled, *an act for the repeal of certain statutes made in the time of king Edward the sixth*, shall stand repealed and void.

12 CHARLES 2, CAP. 30.—*An act for the attainder of several persons guilty of the horrid murder of his late sacred majesty king Charles the first.*—See Title—"ANNIVERSARY OF KING CHARLES' MARTYRDOM," vol. i. p. 117.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

FEOFFMENTS MADE TO CHARITABLE USES.

23 HENRY 8, CAP. 10.—*An act for feoffments and assurances of lands, and tenements made to the use of any parish church, chapel, or such like.*—Where by reason of feoffments, fines, recoveries, and other estates, and assurances, made of trusts, of manors, lands, tenements, and hereditaments, to the use of parish churches, chapels, churchwardens, guilds, fraternities, commonalties, companies, or brotherheads erected and made of devotion, or by common assent of the people without any corporation, and also by reason of feoffments, fines, recoveries, wills, and other acts made to any uses aforesaid, or to the uses and intents to have obits perpetual, or a continual service of a priest for ever, or for three-score, or four-score years, founden of the issues and profits of the manors, lands, tenements, and hereditaments, whereof such feoffments, fines, recoveries, wills, and other acts been made, or that the feoffees, conisees, recoverers, or other persons, and their heirs thereof seized, shall take, levy, receive, and perceive, or cause or suffer to be taken, levied, and perceived the issues, revenues, and profits thereof, and the same to dispose, pay, convert, or otherwise employ or suffer, or cause to be disposed, paid, converted, or employed to any such uses, intents, or purposes, as been above specified, or to any other like uses and intents; there groweth and issueth to the king our sovereign lord, and to other lords and subjects of the realm, the same like losses and inconveniencies, and is as much prejudicial to them, as doth, and is, in case where lands be aliened into mortmain :

Feoffments and assurances of lands, tenements, &c. to churches, commonalties, &c. found prejudicial to the king and his subjects.
9 H. 3, st. 1, c. 36.
7 Ed. 1, st. 2.
13 Ed. 1, st. 1, c. 32.
18 Ed. 1, st. 1, c. 3.
18 Ed. 3, st. 3, c. 3.
15 R. 2, c. 5.

II. Be it therefore enacted by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that all and every such uses, intents, and purposes, of what name, nature, or quality they shall be called, that shall be devised, covenanted, made, declared, or in anywise ordained, after the first day of *March*, in the three and twentieth year of the reign of our sovereign lord king *Henry* the eighth, by any feoffee, recoverer, or conisee, or by any other person or persons to whose use any such feoffee, recoverer, or conisee shall be seized, of any manors, lands, tenements, or hereditaments, or of the issues, revenues, and profits of them, or any of them, shall be utterly void, and of no strength, virtue, nor effect in the law.

Assurances of lands to churches, chapels, &c. shall be void.
Cro. El. 288.
11 Co. 71.

III. Provided alway, that it shall be lawful to every person, being seized of any manors, lands, tenements, or hereditaments, to his own proper use, or having feoffees, recoverers, or conisees to his use, to make, ordain, or devise, or cause to be made, ordained, or devised, any of the uses, intents, or purposes above specified, in such manner as they might have done before the making of this act, and as if this act had never been had nor made; so that no such uses, intents, or purposes to be so made, ordained, or devised after the said first day of *March*, be not in anywise made, ordained, devised, or appointed, to endure, continue, or abide by any craft, colour, terms, sentences,

Proviso for assurances of lands to churches, &c. for twenty years.

clauses, words, or other means, above the term of twenty years next after the first making and beginning of any such uses, intents, or purposes.

Collateral
assurances in
defrauding
of the statute
shall be void.

IV. And it is further enacted, that if any person or persons, in defraud of this statute, bind or ordain any their heirs or successors, or any other person or persons, that they shall suffer such uses, intents, and purposes to endure and continue, contrary to this act, upon pains or penalties of losses of any other lands, tenements, or hereditaments, or of any other thing or things; or do attempt or devise by any colour, craft, or means, any thing or things, to make any such uses, intents, or purposes to be declared, contrary to the true meaning of this act, to continue or abide for any longer time or season than is above limited for the same; that then every such pain, penalty, craft, colour, and every other thing and things, of what kind, nature, or quality soever it be that shall be so made, ordained, or devised in defraud of this act, shall be utterly void in the law to all intents; and that this statute shall be always interpreted and expounded, as beneficially as may be, to the destruction and utter avoiding of such uses, intents, and purposes therein above remembered, and of all other like uses and intents, otherwise than only after such manner as is afore by this present act provided.

Customs of
cities and
towns to de-
vise lands,
saved.

V. Provided alway, that in such cities, and towns corporate, where by their ancient customs they have good and lawful authorities to devise into mortmain the lands, tenements, and hereditaments, within the same cities or towns corporate, that this act shall not be in anywise prejudicial or hurtful to any such custom.

Proviso for
the devises of
the execu-
tors of Jannis
and Terry of
the city of
Norwich.

VI. Provided alway, that this act, nor any thing therein contained, shall extend, or be in anywise prejudicial, to hinder or impair any such ordinances, devises, or declarations of uses, as shall hereafter be made and declared in writing, by the executors of the testaments and last wills of *Robert Jannis* and *John Terry*, late aldermen of the city of *Norwich*, now deceased, or by the executors or the survivor of the executors of either of them, of any lands, tenements, or hereditaments, not amounting in the whole above the clear yearly value of forty pounds, to be employed and converted to and for the discharge of tolls and customs within the said city, and at the gates of the same, for the discharge of the poor people within the same city, of taxes and tallages hereafter to be assessed and levied, and for the cleansing of the streets of the same city, or for any of the said good purposes, according to the true intents and meanings of the said last wills and testaments, and either of them; so that the same ordinances, devises, and declarations be had, made, and certified in writing into the king's court of chancery, within two years next ensuing the feast of *Easter* next coming.

7 & 8 W. 3,
c. 37.
13 & 14 Car. 2,
c. 12.
9 G. 2, c. 36,
restraining
gifts in mort-
main by will.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

FIRST FRUITS, ENGLAND.

6 HENRY 4, CAP. 1.—For the grievous complaints made to our sovereign lord the king by his commons of this parliament, holden at *Coventry*, the sixth day of *October*, the sixth year of his reign, of the horrible mischiefs and damnable custom, which is introduced of new in the court of *Rome*, that no parson, abbot, nor other should have provision of any archbishopric or bishopric, which shall be void, till that he hath compounded with the pope's chamber, to pay great and excessive sums of money, as well for the first fruits of the same archbishopric or bishopric, as for other less services in the same court, and that the same sums or the greater part thereof be paid beforehand which sums pass the treble or the double at the least, of that that was accustomed of old time to be paid to the said chamber and otherwise, by the occasions of such provisions, whereby a great part of the treasure of this realm hath been brought and carried to the said court, and also shall be in time to come, to the great impoverishing of the archbishops and bishops within the same realm and elsewhere within the king's dominions, if convenient remedy be not for the same provided: our said sovereign lord the king, to the honor of God, as well to eschew the damage of his realm as the perils of their souls, which own to be advanced to any archbishoprics and bishoprics within the realm of *England*, and elsewhere within the king's dominions out of the same realm, by the advice and assent of the great men of his realm, in the parliament hath ordained and established: that they and every of them that shall pay to the said chamber or otherwise for such fruits and services greater sums of money, than hath been accustomed to be paid in old time passed, they and every of them shall incur the pain of the forfeiture of as much as they may forfeit towards the same our sovereign lord the king.

The court of Rome obliges archbishops and bishops to pay at least double of what they used to pay, before they can have provision.

Those, who pay more than usual, shall forfeit as much as they may forfeit.

23 HENRY 8, CAP. 20.—*An act concerning restraint of payment of annates to the see of Rome.*—Forasmuch as it is well perceived, by long approved experience, that great and inestimable sums of money have been daily conveyed out of this realm, to the impoverishment of the same; and especially such sums of money as the pope's holiness, his predecessors, and the court of *Rome*, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be archbishops or bishops within this realm of *England*, under the title of annates, otherwise called first fruits, which annates, or first fruits, have been taken of every archbishopric, or bishopric, within this realm, by restraint of the pope's bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, installations, investitures, orders, holy benedictions, palls, or other things requisite and necessary to the attaining of those their promotions; and have been compelled to pay, before they could attain the same, great sums of money, before they might receive any part of the fruits of the said archbishopric, or bishopric, whereunto they were

named, elected, presented, or postulated; by occasion whereof, not only the treasure of this realm hath been greatly conveyed out of the same, but also it hath happened many times, by occasion of death, unto such archbishops, and bishops, so newly promoted, within two or three years after his or their consecration, that his or their friends, by whom he or they have been helped to advance and make payment of the said annates, or first fruits, have been thereby utterly undone and impoverished. And for because the said annates have risen, grown and increased, by an uncharitable custom, grounded upon no just or good title, and the payments thereof obtained by restraint of bulls, until the same annates or first fruits, have been paid, or surety made for the same; which declareth the said payments to be exacted and taken by constraint, against all equity and justice. The noblemen therefore of the realm, and the wise, sage, politic commons of the same, assembled in this present parliament, considering that the court of *Rome* ceaseth not to tax, take, and exact the said great sums of money, under the title of annates, or first fruits, as is aforesaid, to the great damage of the said prelates, and this realm; which annates, or first fruits, were first suffered to be taken within the same realm, for the only defence of christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience. Insomuch that it is evidently known, that there hath passed out of this realm unto the court of *Rome*, sithen the second year of the reign of the most noble prince, of famous memory, king *Henry* the seventh, unto this present time, under the name of annates, or first fruits, paid for the expedition of bulls of archbishoprics and bishoprics, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eight-score thousand pounds, besides other great and intolerable sums which have yearly been conveyed to the said court of *Rome*, by many other ways and means, to the great impoverishment of this realm. And albeit, that our said sovereign the king, and all his natural subjects, as well spiritual as temporal, been as obedient, devout, catholic and humble children of God, and holy church, as any people be within any realm christened; yet the said exactions of annates, or first fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented by all the estates of the same assembled in this present parliament, that the king's highness, before Almighty God, is bound, as by the duty of a good christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abusions and exactions of annates, or first fruits. And because that divers prelates of this realm, being now in extreme age, and in other debilities of their bodies, so that of likelihood, bodily death in short time shall or may succeed unto them; by reason whereof great sums of money shall shortly after their deaths, be conveyed unto the court of *Rome*, for the unreasonable and uncharitable causes abovesaid, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided.^a

^a For remainder of this statute see vol. ii. p. 367.

25 HENRY 8, CAP. 20.—*An act for the non-payment of first fruits to the bishop of Rome.*—Where sithen the beginning of this present parliament, for repress of the exaction of annates and first fruits of archbishoprics and bishoprics of this realm wrongfully taken by the bishop of *Rome*, otherwise called the pope, and the see of *Rome*, it is ordained and established by an act, among other things, that the payments of the annates or first fruits, and all manner contributions for the same, for any such archbishopric or bishopric, or for any bulls to be obtained from the see of *Rome*, to or for the said purpose or intent, should utterly cease, and no such to be paid for any archbishopric or bishopric within this realm, otherwise than in the same act is expressed: and that no manner of person or persons to be named, elected, presented or postulated to any archbishopric or bishopric within this realm, should pay the said annates or first fruits, nor any other manner of sum or sums of money, pensions or annuities for the same, or for any other like exaction or cause, upon pain to forfeit to our sovereign lord the king, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the said archbishopric or bishopric during the time that he or they that should offend contrary to the said act, should have, possess and enjoy the said archbishopric or bishopric. And it is further enacted, that if any person named or presented to the see of *Rome* by the king's highness, or his heirs or successors, to be bishop of any see or diocese within this realm, should happen to be letted, delayed or deferred at the see of *Rome* from any such bishopric whereunto he should be so presented, by mean of restraint of bulls of the said bishop of *Rome*, otherwise called the pope, and other things requisite to the same, or should be denied at the see of *Rome*, upon convenient suit made, for any bulls requisite for any such cause, that then every person so presented might or should be consecrated here in *England* by the archbishop in whose province the said bishopric shall be; so always, that the same person should be named and presented by the king for the time being to the said archbishop. And if any person being named and presented (as is before said) to any archbishopric of this realm, making convenient suit, as is aforesaid, should happen to be letted, delayed, deferred or otherwise disturbed from the said archbishopric, for lack of pall, bulls, or other things to him requisite to be obtained at the see of *Rome*, that then every such person so named and presented to the archbishop, might and should be consecrated and invested, after presentation made as is aforesaid, by any other two bishops within this realm, whom the king's highness or any his heirs or successors, kings of *England*, would appoint and assign for the same, according and after like manner as divers archbishops and bishops have been heretofore in ancient time by sundry the king's most noble progenitors made, consecrated and invested within this realm. And it is further enacted by the said act, that every archbishop and bishop, being named and presented by the king's highness, his heirs and successors, kings of *England*, and being consecrated and invested, as is aforesaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbishop or bishop of the dignity, see or place whereunto he shall be so named, presented

No first fruits shall be paid to the bishop of Rome; and within what time a bishop shall be chosen, invested and consecrated. Stat. 23 H. 8, c. 20.

If any presented by the king to the see of Rome to a bishopric in England be there delayed, he may be consecrated by an archbishop in England.

One presented to the see of Rome to an archbishopric, and there letted, may be consecrated by two bishops of England.

and consecrated, and as other like prelates of that province, see or diocese, have been used, accepted, taken and obeyed, which have had and obtained completely their bulls and other things requisite in that behalf from the see of *Rome*, and also should fully and entirely have and enjoy all the spiritualties and temporalities of the said archbishopric or bishopric, in as large, ample and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king's highness, and to his heirs and successors, all such duties, rights and invests as before time hath been accustomed to be paid for any such archbishopric or bishopric, according to the ancient laws and customs of this realm and the king's prerogative royal, as in the said act amongst other things is more at large mentioned.

The king's
consent to
the foresaid
statute.

II. And albeit the said bishop of *Rome*, otherwise called the pope, hath been informed and certified of the effectual contents of the said act, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said bishop of *Rome* hitherto hath made none answer of his mind therein to the king's highness, nor devised nor required any reasonable ways to and with our said sovereign lord for the same: wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, hath not only put his most gracious and royal assent to the foresaid act, but also hath ratified and confirmed the same, and every clause and article therein contained, as by his letters patents under his great seal enrolled in the parliament roll of this present parliament more at large is contained.^b

First fruits
of all digni-
ties spiritual
shall be paid
to the king,
&c.
12 Co. 45.
Rep. 2 & 3
P. & M. c. 4,
and revived
by 1 El. c. 4.
2 Anne c. 11.

26 HENRY 8, CAP. 3.—*The bill for the first fruits, with the yearly pensions to the king.*—Forasmuch as it is, and of very duty ought to be, the natural inclination of all good people, like most faithful, loving and obedient subjects, sincerely and willingly to desire to provide, not only for the public weal of their native country, but also for the supportation, maintenance and defence of the royal estate of their most dread, benign and gracious sovereign lord, upon whom, and in whom dependeth all their joy and wealth, in whom also is united and knit so princely a heart and courage, mixed with mercy, wisdom and justice, and also a natural affection joined to the same, as by the great, inestimable and benevolent arguments thereof, being most bountifully, largely, and many times shewed, ministered and approved towards his loving and obedient subjects, hath well appeared, which requireth a like correspondence of gratitude to be considered, according to their most bounden duties; wherefore his said humble and obedient subjects, as well the lords spiritual and temporal, as the commons, in this present parliament assembled, calling to their remembrance not only the manifold and innumerable benefits daily administered by his highness to them all, and to the residue of all other his subjects of this realm; but also how long time his majesty hath most victoriously, by his high wisdom and policy, protected, defended and governed this his realm, and maintained his people and subjects of the same in tranquillity, peace, unity, quietness and wealth; and also considering what great, excessive and inestimable

^b For remainder of this statute see vol. ii. p. 370.

charges his highness hath heretofore been at, and sustained by the space of five and twenty whole years, and also daily sustaineth, for the maintenance, tuition and defence of this his realm, and his loving subjects of the same, which cannot be sustained and borne without some honorable provision and remedy may be made, found, provided and ordained for maintenance thereof; do therefore desire, and most humbly pray, that for the more surety of continuance and augmentation of his highness' royal estate, being not only now recognized (as he always indeed hath heretofore been) the only supreme head in earth, next, and immediately under God, of the church of *England*, but also their most assured and undoubted natural sovereign liege lord and king, having the whole governance, tuition, defence and maintenance of this his realm, and most loving and obedient subjects of the same: it may therefore be ordained and enacted by his highness, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, in manner and form following:

II. That is to say, that the king's highness, his heirs and successors, kings of this realm, shall have and enjoy from time to time, to endure for ever, of every such person and persons which at any time after the first day of *January* next coming shall be nominated, elected, prefected, presented, collated, or by any other means appointed, to have any archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the king's dominions, of what name, nature or quality soever they be, or to whose foundation, patronage or gifts soever they belong, the first fruits, revenues and profits for one year of every such archbishopric, bishopric, abbey, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel or other dignity, benefice, office or promotion spiritual afore named, whereunto any such person or persons shall after the said first day of *January* be nominated, elected, prefected, presented, collated, or by any other means appointed; and that every such person and persons, before any actual or real possession, or meddling with the profits of any such archbishopric, bishopric, abbacy, monastery, college, hospital, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, priory or other dignity, benefice, office or promotion spiritual, shall satisfy, content and pay, or compound or agree to pay to the king's use, at reasonable days, upon good sureties, the said first fruits and profits for one year.

First fruits and profits for one year of every spiritual living is granted to the king. By 27 H. 8, c. 8, s. 1, a deduction is to be made of the tenth part of the whole out of the first fruits for the first year.

Every spiritual person shall be bound for his first fruits before his actual possession of his benefice. See 28 H. 8, c. 11, s. 3, declaring when the first fruits shall commence.

III. And be it also enacted by authority aforesaid, that the chancellor of *England* and master of the rolls for the time being, jointly and severally, or such other person and persons as shall please the king's highness, his heirs or successors, from time to time, at his or their pleasure, to name and depute, by commission or commissions under the great seal, shall have power and authority, as well to examine and search for the just and true value of the said first fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the said first fruits and profits, and to stall and limit reasonable days for payment thereof upon good

Commissioners to search for the value of benefices, and to compound for the first fruits.

The money
taken for first
fruits shall
be delivered
to the trea-
surer of the
chamber,

and sufficient surety or sureties by writings obligatory by their discretions; and if composition or agreement be had or made for the said first fruits before the said lord chancellor or master of the rolls, that then the writings obligatory, or money taken for the same, shall rest, remain and abide in the hanaper of the king's chancery, there safely to be kept to the king's use, and the money to be due of such writings obligatory, or to be received in hand by reason of any such composition, shall be paid in the said hanaper to the clerk of the hanaper for the time being, and that the said clerk of the hanaper shall make a true and just account thereof, like as he is bound to do of the money received of the profits of the king's great seal; and if composition or agreement be had or made for the said first fruits, afore any other person or persons to be deputed by the king's highness, his heirs or successors, by commission under his great seal, that then the writings obligatory, and money taken for the same, shall be delivered to the treasurer of the king's most honorable chamber, for the time being, or elsewhere to whom it shall please the king's highness, his heirs or successors, to give authority by commission under the great seal, to receive the same.

whose
acquittance
shall be
sufficient
discharge
for the first
fruits.

An obliga-
tion for the
first fruits
shall be of
the same
strength that
a statute of
the staple is.

IV. And it is also ordained and enacted by authority aforesaid, that every writing of acquittance subscribed by the hand and name of the clerk of the hanaper, and treasurer of the chamber, or other commissioners aforesaid, or any of them, witnessing the receipt of the said first fruits or any part thereof, shall be as good and effectual against the king's highness, his heirs and successors, to every person and persons having the same, for so much money as shall be mentioned to be received and contained in every such acquittance, as if such acquittance were or had been lawfully had and obtained in the king's name, under the king's great seal, and so shall be admitted, accepted, allowed and taken in every of the king's courts; and that all writings obligatory to be taken for payment of the said first fruits, by and afore the said lord chancellor, or master of the rolls, or by and afore any other person or persons to be deputed to compound and agree for the said first fruits, as is aforesaid, shall be of the same strength, force, virtue, quality and effect, to all intents and purposes, as writings obligatory heretofore made by any lay person by authority of the statute of the staple been; and that upon certificate hereafter to be made into the king's chancery, of any such writings obligatory to be taken for payment of such first fruits, like process and execution shall be thereupon made and had against any person spiritual and temporal, as hath been accustomed to be made against any lay person, upon certificate of writings obligatory of the said statute of the staple; and that no person shall be compelled to pay for any writing obligatory to be made for the said payment of the said first fruits, above eight-pence nor for any acquittance to be made for receipt of such first fruits, above four-pence, and that such person and persons as shall be deputed by the king's highness, by commission under the great seal, to compound and agree for the said first fruits, shall, at the end of every six months next after the date of their commission, and so from six months to six months, deliver or cause to be delivered, unto the treasurer of the chamber for the time being, or elsewhere to such commissioners as shall be

appointed as is aforesaid, to receive the same, as well all such money, as all such specialties and bonds as they shall have taken for the payment of the said first fruits, by indenture to be made between them and the said treasurer, or other commissioners as is aforesaid, containing the certainty and number of the sums of money and specialties, and bonds by them taken and received; and if any person or persons to whom any deputation shall be made by commission, to compound and agree for the payment of the said first fruits, their heirs, executors or administrators, conceal or embezzle any of the said specialties or bonds taken for the sure payment of the said first fruits, and do not deliver them according to the tenor of this act, that then every such offender shall forfeit that office of deputation, and over that make fine and ransom at the king's own pleasure and will.

The penalty of commissioners concealing bonds taken for the payment of first fruits.

V. And it is also enacted by authority aforesaid, that if any person or persons, which at any time after the said first day of *January* shall be nominated, elected, prefected, presented, collated, or by any other means appointed to any of the dignities, offices, benefices or other promotions spiritual before mentioned, do enter into the actual and real possessions thereof, or meddle with the profits thereof, before they shall have truly satisfied and paid to the king's use, the first fruits and profits thereof, for one year, or else shall have agreed or compounded for payment of the same at reasonable days upon good sureties, in manner and form as by this act is above specified, that then every such person and persons so doing and offending, and being thereof convict by presentment, verdict, confession or witness before the said lord chancellor, or such other as shall have authority by commission to compound for the said first fruits and profits as is aforesaid, shall be accepted and taken an intruder upon the king's possession; and that they, their executors or administrators, shall pay to the use of the king's highness, for every such offence, so much sums of money as shall amount to the double value of the said first fruits and profits of such dignities, benefices or other spiritual promotions wherein they shall so enter and intrude before the payment of the said first fruits and profits for one year thereof, or before due agreement made for the same, in manner and form as is above rehearsed.

Whoso entereth upon his spiritual living before composition shall forfeit double the value of the first fruits.

VI. And be it further enacted by authority aforesaid, that the first fruits of benefices heretofore accustomed to be paid to the bishop of *Norwich*, within his diocese, and to the archdeacon of *Richmond*, within his archdeaconry, or to any other person or persons within this realm, or any other the king's dominions, shall from the said first day of *January* cease, and be extinct, and no longer be paid, but only to the king's highness, his heirs and successors, in such form as is above mentioned in this act.

All firstfruits payable to other persons shall cease, and be paid to the king. See 32 H. 8, c. 47, s. 3.

VII. Provided always, that archbishops and bishops, and all other having jurisdiction ordinary, may give and deliver letters of institution and induction, as they might do before the making of this act, without any offence of any article contained in this act; any thing in this act contained to the contrary thereof notwithstanding.

The bishops may give institution and induction.

VIII. Provided also, that where there be divers cells appertaining to monasteries and priories, and that the priors of such cells be

Priors removables shall

pay no first
fruits.

named, and removable from time to time, at the only wills and pleasures of their masters and sovereigns of the monasteries and priories whereunto such cells belong; that the priors of such cells shall not be compelled to pay any first fruits by virtue or authority of this act; any thing in this act contained to the contrary thereof notwithstanding; but that the first fruits and profits of every such cell shall be paid to the king's highness, his heirs and successors, whensoever and as often as any person shall be nominated, elected, prefected or collated to the monastery or priory whereunto such cells belong.

A yearly
tenth of all
spiritual liv-
ings given
to the king.

IX. And over this be it enacted by the authority aforesaid, that the king's majesty, his heirs and successors, kings of this realm, for more augmentation and maintenance of the royal estate of his imperial crown and dignity of supreme head of the church of *England*, shall yearly have, take, enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, now appertaining or belonging, or that hereafter shall belong to any archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality soever they be, within any diocese of this realm, or in *Wales*; the said pension or annual rent to be yearly paid for ever to our said sovereign lord, to his heirs and successors, kings of this realm, at the feast of the nativity of our Lord God, and the first payment thereof to begin at the feast of the nativity of our Lord God, which shall be in the year of our Lord God one thousand five hundred and thirty-five: and to be paid yearly by such as shall be appointed to have the collection thereof by this act, in such manner and form as shall hereafter be limited by this act, before the first day of *April* yearly next following after the said feast of the nativity of our Lord.

The tenth
must be paid
at Christmas.

Commissions
shall be
awarded into
every diocese
to inquire of
the value of
every spiri-
tual living.

X. And it is ordained and enacted by authority aforesaid, that the said yearly rent and pension shall be taxed, rated, levied, perceived and paid to the king's use, his heirs and successors, in manner and form hereafter to be declared by this act; that is to say, that the chancellor of *England* for the time being shall have power and authority to direct into every diocese in this realm, and in *Wales*, several commissions in the king's name, under his great seal, as well to the archbishop or bishop of every such diocese, as to such other person or persons as the king's highness shall name and appoint, commanding and authorizing the said commissioners so to be named in every such commission, or three of them at the least, to examine, search and inquire by all the ways and means that they can by their discretions, of and for the true and just whole and entire yearly values of all the manors, lands, tenements, hereditaments, rents, tithes, offerings, emoluments and all other profits, as well spiritual as temporal, appertaining or belonging to any archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, con-

ventual church, parsonage, vicarage, chantry, free chapel, or to any other benefice or promotion spiritual within the limits of their commission, with a clause to be contained in every such commission, that the said commissioners, or three of them at the least, shall deduct and allow in the making and rating of the said yearly values of the premises these deductions following, and none other; that is to say, the rents resolute to the chief lords, and all other annual and perpetual rents and charges, which any spiritual person or persons been bounden yearly to pay to any person or persons, to their heirs and successors for ever, or to give yearly in alms, by reason of any foundation or ordinance, and all fees for stewards, receivers, bailiffs and auditors, and synods and proxies, with another clause to be also contained in every such commission, that the said commissioners, or three of them at the least, shall certify under their seals, at such days as shall be limited by the said commissions, as well the whole and entire value, as the deductions aforesaid, of every archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, and of all other benefits and promotions spiritual.

Deductions
to be de-
falked out of
spiritual liv-
ings.

XI. And it is ordained and enacted by authority aforesaid, that the said commissioners that shall be so appointed, or three of them at the least, shall have full power and authority to do, accomplish and execute the effects and contents of their said commissions in every behalf; and that every the said commissioners, before they shall execute their said commission, shall receive and take a corporal oath before the lord chancellor, or before such other as shall be appointed by the said chancellor by the king's writ of *dedimus potestatem*, that they shall diligently and truly, without favor, affection, fraud, covin, meed, dread or corruption, do, fulfil and execute the whole effects and contents expressed in every such commission within the limits thereof, to their cunning, wits, and uttermost of their powers.

The commis-
sioners shall
be sworn in-
differently to
execute their
commissions.

XII. And it is ordained and enacted by authority aforesaid, that after such certificate made by the said commissioners, the said yearly rent and pension of the tenth part shall be set, taxed, rated and taken justly and truly and indifferently by the treasurer, chancellor, chamberlain and barons of the king's exchequer, of and out of the clear yearly value of the premises, that shall be above the deductions afore mentioned, and none otherwise; and that every archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, shall be severally and distinctly taxed, charged and chargeable, in the proper diocese where they been, for the payment of such portion of the said tenth part, as shall be taxed and set upon them by authority of this act; that is to say, every of them by and for themselves shall be taxed, charged and chargeable in the proper diocese where they been, for the tenth part of the yearly value of their possessions and profits to them belonging, wheresoever their said possessions and profits shall happen to be or lie in any part of this realm, or elsewhere in any of the king's dominions; and that

Every spirit-
ual person
shall be
charged for
his tenths in
the diocese
where they
be, though
their posses-
sions lie in
other dio-
ceses.

none of them shall be charged or chargeable for the payment of the others charge or portion.

Bishops shall be charged to the collection of their tenths in their dioceses.
12 Co. 45.
32 H. 8, c. 47.
34 H. 8, c. 17.
31 H. 8, c. 13.
27 H. 8, c. 28.
By 3 G. 1, c. 10. the king is to appoint a collector to receive the tenths.

XIII. And it is also enacted by authority aforesaid, that after such certificate made into the king's exchequer, and tax set of the tenth part, in form above remembered, every archbishop and bishop now being, and that hereafter shall be, shall be charged and chargeable to levy, collect and receive, within their proper diocese, as well in places exempt as not exempt, all such sums of money wherewith the dignities, benefices and other promotions spiritual afore mentioned within their diocese, chargeable by this act, shall be set, taxed and charged towards the payment of the said yearly pension, and shall pay and content the said sums of money yearly, before the said first day of *April*, to the treasurer of the king's chamber for the time being, or to any other person or persons whom it shall please the king's highness to appoint to receive the same; and that every of the said archbishops and bishops, their executors and administrators, and the possessions of their dignities and churches, shall stand charged and chargeable for the sure and true payment of such sums of money as they shall collect and receive of the said yearly rent and pension.

Process against a bishop for the payment of all tenths within his diocese.

XIV. And that the treasurer, chancellor, chamberlain and barons of the king's exchequer, shall yearly cause process to be made by their discretions for non-payment of the said pension or yearly rent, or any parcel thereof, against every archbishop and bishop of this realm; that is to say, against every archbishop and bishop for so much part and portion of the said pension and yearly rent, wherewith the dignities, benefices and other promotions spiritual afore mentioned within his diocese shall be taxed and charged; so that every of the said archbishops and bishops shall be charged and chargeable for the rate and portion of the said yearly rent and pension set and taxed within his own peculiar diocese, and not otherwise.

By what means the bishop shall levy the tenths of every spiritual promotion.
32 H. 8, c. 22.

XV. And be it also enacted by authority aforesaid, that every archbishop and bishop shall have power and authority to levy, take and perceive, by authority of the censures of the church, or by distress or otherwise, by their discretion, all such sums of money as shall be rated, taxed and set to go out of the lands, tenements, hereditaments, profits and emoluments of any dignity, office, benefice or other place or promotion spiritual within their diocese, towards the payment of the said yearly rent and pension; and that no replevin, prohibition nor *supersedeas* upon any excommunication, nor any other writ or impediment shall be sued, allowed or obeyed, for any person or persons making default of payment of such part and portion as they shall be rated and taxed unto by authority of this act, till such time as they have truly satisfied their said part and portion to them allotted of the said yearly rent and pension.

Who shall be collectors in time of vacation of a bishopric.

XVI. And it is also enacted by authority aforesaid, that whensoever and as often as any of the archbishoprics or bishoprics happen to be void, that then the dean and chapter of the cathedral church, or the prior and convent, or chapter or convent of the monastery or cathedral church, where the see of such archbishopric or bishopric being void shall happen to be, during the time of the vacation

thereof, and their executors, administrators and possessions, shall be charged and chargeable to do and cause to be done all and every thing and things for the due execution of this act, within the diocese of such archbishopric or bishopric being void, as the same archbishop or bishop of the see, being void, should have done, according as it is limited and appointed by this act, or by any thing therein contained.

XVII. And it is ordained and enacted by authority aforesaid, that if any sum of money being once due by any incumbent of any the dignities, benefices or promotions spiritual afore specified, charged to the payment of the said yearly pension and annual rent, be reasonably demanded and required any time after the said feast of the nativity of our Lord, at their dignities, monasteries, priories, hospitals, colleges, churches, chantries or houses, by the archbishop or bishop, or such as shall be charged with the collection of any part of the said pension, or by any other their ministers, servants or officers, to pay such portion of the said pension, and yearly rent, as they shall be taxed and assessed unto, be not truly contented and paid unto such archbishop or bishop, or their ministers and officers, and to such other person or persons, or their ministers or servants, as shall have the charge of collection thereof every year yearly, at the time of such request and demand thereof, or else within forty days next after every such request at the furthest; that then every incumbent making such default of payment, after such default thereof certified into the king's exchequer in writing under the seals of any archbishop or bishop, or of such as be limited and charged to the collection of the said pension by this act, shall be adjudged deprived *ipso facto* of all such dignities, benefices, pensions and promotions spiritual, as any such incumbent, making such default, shall have at the time of such certificate to be made, or at any time after; so that all such dignities, benefices, pensions and promotions spiritual, which any incumbent, making such default of payment shall have at the time of any such certificate to be made, or at any time after, shall be clearly void and destitute of incumbent in the law, to all intents and purposes, as if such incumbent, making such default of payment, were dead indeed.

The penalty for default of payment of tenths. 1 El. c. 4. Moor 541, pl. 714.

Altered by 2 & 3 Ed. 6, c. 20, s. 3. Dyer 237.

XVIII. And it is ordained and enacted by authority aforesaid, that if any archbishop or bishop, or any other, limited and charged by this act to the collection and payment of the said pension and annual rent, do make a certificate unto the king's exchequer before the said first day of *April*, or at any time within four and twenty days next after the said first day of *April*, that they according to this act have reasonably required and demanded any incumbent of any dignity, benefice or promotion spiritual, chargeable by this act, to pay such part or portion of the said pension and annual rent, as they shall happen to be assessed unto, and that such incumbent, so being required, hath not paid his said part and portion according to the form and effect of this act; that then every such archbishop and bishop, and every other person having the charge by this act for collection and payment of the said pension and annual rent, upon every such certificate, shall be discharged and acquitted for ever against the king, his heirs and successors, of and for all such sums

The bishop making a certificate of any incumbent omitting to pay his tenths, shall be discharged thereof. 7 Ed. 6. c. 4. Savil 1. Dyer 116.

Process shall be awarded against the refusers to pay their tenths.

of money as any such incumbent, against whom such certificate shall be made, should or ought to have paid by this act ; and that then in every such case the treasurer, chancellor, chamberlain and barons of the king's exchequer, shall devise and direct, upon every such certificate, such process out of the king's exchequer against every such incumbent, against whom any such certificate shall be made, and their executors and administrators, or for insufficiency of them, against the successors of every such incumbent, whereby the king's highness, his heirs and successors, shall and may be truly answered, paid and contented of such portion and part, as the incumbent against whom any such certificate shall be made, was taxed and assessed for his dignities, benefices or promotion spiritual chargeable by this act.

Whose acquittances shall be a discharge for the payment of the tenths.

XIX. And it is also ordained and enacted by authority aforesaid, that all manner of acquittances made by the treasurer of the king's chamber, or by any other such commissioners as shall be appointed as is aforesaid, to receive the said pension, or any part thereof, and subscribed with the name of the said treasurer, or any other such commissioner, for the payment of the said pension or annual rent, or any part thereof, to any such person or persons as be limited and charged with the collection thereof, shall be of as good strength, force, virtue and effect to the parties having the same, as if they were made in the king's name, under his great seal, and so shall be allowed, admitted and accepted in all courts of this realm ; and that the treasurer, chancellor, chamberlain and barons of the king's exchequer, shall, by virtue and authority of this act, as well admit and allow such acquittances, as all such certificates as shall be made against any incumbent for default of payment, as is above said, upon the account of every archbishop and bishop, and of every other person limited and charged by this act for the collection and payment of the said pension and annual rent, without any writ, bill or warrant, to be sued in or for that behalf.

Nothing shall be taken in the exchequer of a bishop or his collector for his account or quietus est. Savil. 38.

XX. And that no manner of officer of the king's exchequer shall take of any archbishop or bishop, or of any other person having charge with the collection and payment of the said pension or annual rent, any manner reward or thing for making their account or *quietus est* in the same exchequer, or for any manner of thing appertaining to the same, concerning the said pension and annual rent, upon pain of every officer, doing contrary to this act, to lose and forfeit his office, and make fine to the king at his will and pleasure.

They which pay pensions to others out of their spiritual living may retain the tenth part thereof.

XXI. And forasmuch as every incumbent of the dignities, benefices and promotions spiritual afore mentioned shall be charged by this act to the payment of the tenth part of the value of their dignities, benefices and promotion spiritual, without any deduction or allowance of such pension or pensions, wherewith some of them been charged to pay to their predecessors during their lives, or to other persons to the use of such their predecessors during their lives : it is therefore ordained and enacted by authority aforesaid, that it shall be lawful to every incumbent charged with any such pension payable to any his predecessors, or to any to his use, to retain and keep in his hand the tenth part of every such pension ; and that every such incumbent and his sureties shall from henceforth be acquitted and

discharged of the said tenth part of every such pension, by virtue and authority of this present act; any decree, ordinance or assignment of any ordinary, or any collateral writing or security made for such pension to any spiritual person or persons, or to any to their uses for term of their lives, in any wise notwithstanding; and that as well every incumbent, as such persons as stand bound for him for payment of any such pensions, shall plead this act in every of the king's courts, for the clear extinguishment and discharge of the tenth part of every such pension.

XXII. And be it also ordained and enacted by authority aforesaid, that no pension shall hereafter be assigned by the ordinary, or by any other manner of agreement, by collateral surety, or otherwise, upon any resignation of any dignity, benefice or promotion spiritual, above the value of the third part of the dignity, benefice or promotion spiritual resigned: and if any pension amounting above the value of the third part of the dignity, benefice or promotion spiritual heretofore resigned, be already limited and made sure to any spiritual person or persons by decree of the ordinary, or otherwise by any collateral surety, or hereafter shall happen to be assigned and made sure to any person or persons spiritual, or to any other to their use, by decree of the ordinary, or by any other collateral surety, upon any resignation thereof; yet nevertheless the incumbent charged with such pension, nor his sureties collateral, shall not be compelled to pay any more pension than the value of the third part of his dignity, benefice or promotion spiritual so resigned shall amount unto; but shall by authority of this act be clearly acquitted and discharged of so much of the said pension as shall amount above the value of the third part of the dignity or benefice resigned; any decree or assignment of the ordinary, or any collateral writings or sureties heretofore made, or hereafter to be had or made for the same, to the contrary thereof notwithstanding.

No pension shall be reserved upon the resignation of a benefice, above the value of the third part.
13 El. c. 20.

XXIII. And forasmuch as divers abbots and priors been charged to pay great pensions to sundry their predecessors yet living, to the great decay of their hospitalities and housekeeping; be it enacted by authority aforesaid, that every such predecessors of such abbots or priors, having any pension made sure unto them, or to any to their use, during their lives, amounting above the yearly value of forty pounds shall from henceforth be defalked and abated of the moiety and half-deal of every such pension; and that every abbot, and all other persons charged for the payment of such pension above the said yearly value of forty pounds shall be clearly acquitted and discharged by authority of this act of the moiety and half-deal thereof for ever; any decree or assignment thereof by the ordinary, or any writing or surety collateral had or made for the surety thereof notwithstanding.

Abbots or priors paying pensions to their predecessors.

XXIV. And forasmuch as the lord prior of *Saint John's* of *Jerusalem* in *England*, and his brethren, be not specially named and expressed in this act, whereby ambiguity might arise, whether they should be comprised within the limits of this act; it is therefore for plain declaration thereof enacted by authority aforesaid, that every person and persons which after the said first day of *January* shall happen to be nominated, elected, collated, or by any other

The prior of St. John's of Jerusalem shall pay first fruits and tenths.

means appointed, to the dignity of the said priory of *Saint John's* of *Jerusalem* in *England*, or to any commandry appertaining unto the same, shall before their actual and real entry into the same dignity or commandry, or meddling with the profits thereof, satisfy and pay to the use of the king's highness, his heirs and successors, the first fruits and profits thereof for one whole year, or agree or compound for the same at reasonable days, in like manner and form, and upon like pain in every behalf, as archbishops and bishops and other spiritual persons be bound to do by virtue and authority of this act: and that also the prior of *Saint John's* now being, and his successors, and every of his brethren, having any commandry, and their successors, shall contribute and pay yearly to the king's highness, his heirs and successors, one yearly rent and pension amounting to the tenth part of all their possessions and profits, as well spiritual as temporal, and shall be charged, rated, taxed and set to the contribution and payment of the said tenth part; and that also the said tenth part shall be levied, collected and paid, in such like manner and form, to all intents and purposes, as the tenth part of other dignities and benefices spiritual shall be charged, taxed, set, levied, collected and paid by authority of this act.

They which in one corporation have several possessions belonging to their dignities shall pay for their own possessions, and not for others.

XXV. And forasmuch as in sundry and many cathedral churches, colleges and hospitals of this realm, there is, and time out of mind hath been, certain ordinances instituted and made, whereby the dean, provost, master, or other chief governor of such churches, colleges and hospitals, hath a certain part and portion of the possessions and profits belonging to such churches, colleges and hospitals, allonly limited and belonging to their offices and dignities; and every prebendary, brother, vicar, fellow, petit canon, and other ministers spiritual, in such churches, colleges and hospitals, hath another portion, allonly and distinctly limited, appertaining and belonging to their dignities and offices in such churches, hospitals and colleges: it is therefore provided and ordained by authority aforesaid, that such person and persons which at any time after the said first day of *January* shall be nominated, elected, presented, prefected, collated, or by other means appointed to be dean, provost, master, or other chief governor of such cathedral churches, colleges or hospitals, shall be rated, compound and pay, for their first fruits, but only after the rate of the yearly value of the possessions and profits limited and belonging to their office and dignity.

XXVI. And that every other person and persons, that after the said first day of *January* shall be nominated, elected, presented, prefected, collated, or by any other means appointed to have any prebend, brotherhood, fellowship, or to be any vicar or petit canon, or to have any other dignity or office spiritual in any such cathedral churches, colleges or hospitals, shall be rated, compound and pay, for their first fruits, after the rate of the yearly value of the possessions and profits limited and belonging to their dignities and offices, in such churches, colleges and hospitals, and none otherwise; any thing in this act to the contrary hereof in anywise notwithstanding.

No first fruits shall be paid for a benefice

XXVII. Provided always, that such person or persons, that after the said first day of *January* shall be presented or collated to any parsonage or vicarage, whereof the yearly value shall not exceed

eight marks, shall not be compelled to pay any first fruits for any such parsonage or vicarage whereunto they shall be presented or collated, not being above the said yearly value of eight marks; except that the incumbent presented or collated to such parsonage or vicarage, whereof the yearly value shall not exceed eight marks, do live three years next and immediately following after his institution, induction or collation to such parsonage or vicarage; and if such incumbent do live after the said three years, then he or his executors or administrators, shall pay, at days to be limited after the said three years, upon sureties (as is aforesaid) the first fruits of every such parsonage or vicarage: and that in every obligation to be made by any incumbent of such parsonage or vicarage, and his sureties, for payment of the first fruits of such parsonage or vicarage, there shall be contained a proviso, that if the said incumbent die within three years next after the date of the institution, induction or collation of the said parsonage or vicarage, that then the obligation shall be void and of none effect; any thing in this act to the contrary hereof notwithstanding.

being not above the yearly value of eight marks.
Altered by 1 El. c.4, s.29.

A proviso in the obligation, if the incumbent die within three years.

XXVIII. And over this where the clergy of the province of *Canterbury*, in their convocation, have granted unto the king's highness one hundred thousand pounds, and the clergy of the province of *York* eighteen thousand eight hundred forty pounds ten-pence, to be paid by even portions in five years, and that which could not be levied thereof in the same five years, to be paid in the sixth year, as by the tenor of their several grants thereof made in their several convocations more plainly appeareth: it may please the king's majesty of his excellent goodness, in consideration that the said yearly pension and annual rent shall be yearly from henceforth, duly paid and satisfied to his highness and to his heirs and successors, according to the tenor, form, purport and effect of this present act, that it may be enacted by authority of this present parliament, that the clergy of the said province of *Canterbury*, and every of them, shall be discharged and acquitted against our said sovereign lord, his heirs and successors, of and for the twenty thousand pound, parcel of the said hundred thousand pound, which should be paid in the fifth year of payment limited by their grant: and that the clergy of the said province of *York* shall likewise be discharged and acquitted of and for all such sums of money, parcel of the said eighteen thousand eight hundred forty pounds and ten-pence, which should be paid in the fifth year of payment limited by their grant; any thing in their said several grants thereof made in any wise notwithstanding.

How much the clergy of the two provinces of *Canterbury* and *York* shall be yearly discharged of, and wherefore.

XXIX. Provided always, that all the residue of sums of money, which be yet to be paid, and not released nor discharged by this act, shall be truly paid and satisfied to our said sovereign lord, his heirs and successors, according to the tenor, form and effect of their said several grants.

XXX. Provided also, that all such fees, which any archbishop, bishop, abbot, prior or other prelate of the church is bounden yearly to pay to any chancellor, master of the rolls, justices, sheriffs or other officers or ministers of record, for temporal justice to be done or ministered within their diocese or jurisdictions, shall be allowed and deducted by the commissioners aforesaid, in and upon the

Fees which any prelate is bound to pay for temporal justice.
26 H. 8, c. 17.
27 H. 8, c. 8.
32 H. 8, c. 22.
2 & 3 E. 6, c. 20.

7 Ed. 6, c. 4. valuation of the dignities, monasteries, priories or churches charge-
 1 Eliz. c. 4. able with such fees; any thing in this act to the contrary hereof
 2 Anne, c. 11. notwithstanding.
 5 Anne, c. 24. notwithstanding.
 6 Anne, c. 27. 1 Geo. 1, c. 10. 3 Geo. 1, c. 10.

26 HENRY 8, CAP. 17.—*For lessees to be discharged for paying any thing for their lessors to the king, by reason of the act of first fruits.*—For certain reasonable and urgent considerations moving the king's most high court of parliament, it is ordained and enacted by authority of the same, that all and singular farmers and lessees of any manors, lordships, lands, tenements or other hereditaments, parsonages, vicarages, portions of tithes, or other whatsoever profits or commodities belonging to any archbishop, bishop or other prelate, or spiritual person or persons, or spiritual body corporate or politic, whereof any first fruits or yearly pension of the tenth part is granted to the king our sovereign lord in this present session of the said court of parliament, shall be discharged, and not chargeable to pay to our said sovereign lord, of his or their proper money, cost or charge, for or in discharge of the lessor or lessors, owner or owners of the same, by reason of any covenant, bargain, bond, condition, clause of reentry, or other thing heretofore made or concluded; but that every of the said lessors and owners and their successors, shall be charged and chargeable to pay and satisfy the same of his and their proper cost and charge, to the king our sovereign lord, his heirs and successors, according to the grant thereof; any covenant, bargain, contract, bond, condition, clause of reentry, or other thing heretofore made or concluded to the contrary thereof, in anywise notwithstanding.

1 Eliz. c. 4,

No spiritual persons shall pay any tenth the same year they pay their first fruits.
 26 H. 8, c. 3, s. 9.

27 HENRY 8, CAP. 8.—*An act that the king's spiritual subjects shall pay no tenths of their spiritual promotions for that first year for which they paid their first fruits.*—Where by a late act made in this parliament, for and concerning the grant made to the king's highness of the tenth of the yearly value of all spiritual possessions of this realm, and of the first fruits thereof, there appeareth by the words of the said act, that prelates and all other incumbents be charged to the payment of the tenth that shall be due to the king's highness in and for the first year that they shall be elected, prefected, presented, collated or admitted to any dignities, benefices, or other promotion spiritual, and for the same first year shall also pay the whole first fruits of their said dignities, benefices and promotions, which is a double charge: for reformation whereof, the king's highness, for the entire and hearty love that his grace beareth to the prelates and other incumbents, chargeable to the payment of the said tenth and first fruits, of his excellent goodness is pleased and contented that it be enacted by authority of this present parliament, that whensoever any person or persons, from the first day of *May*, which shall be in the year of our Lord God one thousand five hundred thirty and six, shall be named, prefected, presented, collated, or by any other means appointed to have any archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel or other dignity, benefice or promotion spiritual, by virtue whereof they shall be charged or chargeable, as well for the payment of the tenth of every

the said archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice or promotion spiritual, as with the payment of the first fruits of the same, and every of the same, shall at his or their composition, agreement, or entry into specialty or specialties for the payment of the said first fruits, have allowance and deduction of the said tenth part of the whole out of the sum to be paid for the said first fruits for the year wherein he or they shall be first nominated, prefected, presented, collated, or by any other means appointed to have any of the said dignities, benefices, offices, or other promotions spiritual, according to the just rate, taxation and sessment of the tenth of every of the said archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the king's dominions, of what name, nature or quality soever they be, or to whose foundation, patronage or gift soever they belong, now being enrolled, or that hereafter shall be enrolled in the king's exchequer, or in any other the king's courts of record.

II. And be it further enacted, that every commissioner or commissioners, or other the king's officers or ministers, or any other person or persons, which either by authority of any act of parliament, or by commission or commissions under the king's great seal, or otherwise by his grace's commandment, or by the commandment of such as by his highness shall be authorized for that purpose, be appointed, assigned or deputed, or that hereafter shall be appointed, authorized, assigned or deputed to compound, agree and receive bonds and specialties to his majesty's use, for payment of the said first fruits of every of the said dignities, benefices, offices or other promotions spiritual, shall and may by force of this act, from the said first day of *May* for ever forward, have authority to deduct and allow unto every such person or persons as from the aforesaid first day of *May* shall be nominated, prefected, presented, collated, or by any other means appointed to have any of the said archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office, or promotion spiritual, the tenth part of the whole, as is aforesaid, out of the same first fruits for the year wherein he or they shall be first nominated, prefected, presented, collated, or by any other means appointed unto every of the same, as is aforesaid, without any further suit to be made to the king's highness, and without imposition, exaction or other charge to be in any wise demanded or exacted of the person or persons so preferred, for the allowance unto them of the said tenth, for the said first year, in form above expressed; any thing or things in the said act of the grant of the said tenth and first fruits to the contrary notwithstanding.

Every person authorized to compound for first fruits, may deduct the tenth part out of the first fruits.

III. And it is also enacted by the authority aforesaid, that all and every person and persons, that upon his or their composition and agreement for the first fruits shall be defalked and allowed the tenth part of the whole sum of his or their dignities, benefices, offices or

He that hath his tenth deducted out of the first fruits, shall

pay it to the king.
Lane 20.

What remedy the successor shall have, who is compelled to pay the tenth for his predecessor.
Vin. Abr. v. 13, 375—378.

promotions spiritual, for the year wherein he or they shall be first nominated, prefected, presented, collated, or by any other means appointed unto any of the same as is abovesaid shall yield and pay the said tenth part unto the king's majesty, his heirs and successors, the said first year, in like manner and form, and at such day as is limited in the said act of the grant of the said tenth and first fruits; any thing contained in this act to the contrary notwithstanding.

IV. Be it further enacted by the authority aforesaid, that in such cases where the successor of any incumbent shall be chargeable to the payment of such sums of money as shall be due of and for the said tenth that shall happen to be behind unpaid in the time or life of his predecessor, there every such successor may lawfully distrain such goods and chattels of his predecessor as shall happen to be and remain in and upon the dignity, benefice or promotion spiritual, of the which the same tenth was behind and unpaid in the life or time of his predecessor, and to retain the same goods and chattels till such time as the said predecessor, if he be alive, and if he be dead, then his executors or administrators, or such other to whom his goods or chattels should appertain, have fully satisfied and paid such sums of money as shall happen to be behind and unpaid of the said tenth; and in case the said predecessor, his executors, administrators, or such other to whom his goods or chattels should appertain, within twelve days next after the distress thereof, do not satisfy the said sums of money, being behind of the said tenth as is aforesaid, that then for such default of payment, it shall be lawful to every such successor to cause the said goods and chattels so distrained, to be appraised by two or three indifferent persons to be sworn for the same; and according to the same appraising, to sell so much thereof as shall amount as well to the full satisfaction of the said sums of money being behind and unpaid of the said tenth in the life or time of his predecessor, as for the reasonable costs that shall be spent by the occasion of distraining and appraising of the same goods and chattels; and in case no sufficient goods and chattels may be found in or upon such dignities, benefices or promotions spiritual, for the satisfaction of the said tenth, being behind unpaid, as is abovesaid, that then the predecessor by whom such tenth was due to be paid, if he be alive, and if he be dead, then his executors, administrators, and other to whom his goods and chattels shall appertain or belong, shall be compelled to the payment of the said tenth being behind and unpaid, as is aforesaid, by bill to be pursued in the king's chancery by the successor, that shall be chargeable for the same, or else by action or plaint of debt to be taken or commenced by such successor, by order of the common laws.

Repealed
2 & 3 P. & M.
c. 4. and
revived by
1 Eliz. c. 4.

See further 32 H. 8, c. 22 and 47. 34 H. 8, c. 17. 2 & 3 Ed. 6, c. 20. 7 Ed. 6, c. 4. For further provisions concerning tenths. see 2 Anne, c. 11. 5 Anne, c. 24. 6 Anne, c. 27. 1 Geo. 1. c. 10, and 3 Geo. 1, c. 10.

The reasons for making this act.
1 Roll 462, 469.
26 H. 8, c. 3.

28 HENRY 8, CAP. 11.—*For the restitution of the first fruits in time of vacation to the next incumbent.*—Forasmuch as in the statute of the payment unto the king's majesty, his heirs and successors, of the first fruits of spiritual promotions, offices, benefices and dignities within this realm, and other the king's dominions, express mention and declaration is not had nor made, from what time the year shall be accounted, in which the first fruits shall be due and payable to

his highness, that is to wit, whether immediately from the death, resignation or deprivation of every incumbent, or from the time of admission or new taking of possession in every such promotion.

II. And also by reason that in the same statute it is not declared who shall have the fruits, tithes and other profits of the said benefices, offices, promotions and dignities spiritual, during the time of vacation thereof, divers of the archbishops and bishops of this realm have, not only when the time of perceiving and taking of tithes (that is to say, wool, lamb, corn and hay, and tithes usually paid at the holy time of *Easter*) hath approached, deferred the collation of such benefices as have been of their own patronage, but also have, upon presentations of clerks made unto them by the just patrons, protracted and deferred to institute, induct and admit the same clerks, to the intent that they might have and perceive to their own use the same tithes growing during the vacation; so that through such delays (over and above the first fruits, which be justly due to the king's highness) they have been constrained also to lose all or the most part of one year's profits of their benefices and promotions, and to serve the cure at their and their friends' proper costs and charges, or utterly to forsake and give over their benefices and promotions, to their great loss and hindrance.

III. For reformation whereof, be it ordained and enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that the said year, in which the first fruits shall be paid to the king's grace, shall begin and be accounted immediately after the avoidance or vacation of any such benefice or promotion spiritual afore rehearsed; and that the tithes, fruits, oblations, obventions, emoluments, commodities, advantages, rents, and all other whatsoever revenues, casualties or profits, certain and uncertain, afferring or belonging to any archdeaconry, deanery, prebend, parsonage, vicarage, hospital, wardenship, provostship or other spiritual promotion, benefice, dignity or office (chantries only except) within this realm, or other the king's dominions, growing, rising or coming, during the time of vacation of the same promotion spiritual, shall belong and affere to such person as shall be thereunto next presented, promoted, instituted, inducted or admitted, and to his executors, towards the payment of the first fruits to the king's highness his heirs and successors; any usage, custom, liberty, privilege or prescription to the contrary had, used or being, in anywise notwithstanding.

IV. And it is also enacted by the authority aforesaid, that if any archbishop, bishop, archdeacon, ordinary, or any other person or persons to their uses and behoof, at any time heretofore since the first day of *May* last past, have perceived, received or taken, or at any time hereafter do perceive, receive or take the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or casualties, coming, growing or belonging, or which hereafter shall come, grow, affere, or belong to any archdeaconry, deanery, prebend, parsonage, vicarage, hospital, wardenship, provostship or other spiritual promotion, benefice, dignity or office (chantries only excepted) within this realm or other the king's

The time from which first fruits are due to the king.

Fruits taken during the vacation of a benefice, shall be restored to the next incumbent. See 1 Eliz. c. 4, s. 24. Co. pl. f. 368. b. Vin. Abr. v. 13, 375—378.

The forfeiture of the ordinary which receiveth the fruits of a benefice during the vacation, and doth not restore them to the next incumbent.

dominions, during the vacation of such archdeaconry, deanery, prebend, parsonage, vicarage, hospital, wardenship, provostship or other spiritual promotion, benefice, dignity or office (chantries only excepted) and the same, upon reasonable request from henceforth to be made, doth not render, restore, satisfy, content and pay to the next incumbent being lawfully instituted, inducted or admitted to such archdeaconry, deanery, prebend, parsonage or vicarage, or other promotion, benefice, dignity or office spiritual, except before excepted, or do let or interrupt the said incumbent to have the same; that then every archbishop, bishop, archdeacon, ordinary or other person so doing, shall forfeit and lose the treble value of so much as he shall then have received of the fruits of every prebend, parsonage, vicarage, hospital, wardenship, provostship, or other spiritual promotion, whereof he so shall perceive, receive or detain, let or interrupt the incumbent to perceive, receive and have the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or casualties; the moiety of which forfeiture shall be to the king our sovereign lord, and the other moiety thereof to the incumbent of the same prebend, parsonage or vicarage, or other spiritual promotion, to be recovered in any of the king's courts, by action, bill, plaint, information or otherwise, in which action or suit the defendant shall not be admitted to wage his law, nor any protection or essoin shall be unto the defendant allowed.

What part of the fruits of a benefice the ordinary may retain in his hands, and for what causes.

V. Provided alway, that it shall be lawful to every archbishop, bishop, archdeacon and ordinary, their officers and ministers, to retain in his or their custody so much of the tithes, fruits, obventions, oblations, emoluments, commodities, advantages, rents, revenues, casualties and profits, as shall amount to pay unto such person or persons, as hath or shall serve or keep the cure of such archdeaconry, deanery, prebend, parsonage or vicarage, or other spiritual promotion, during the vacation, his or their reasonable stipend or salary; and also for the collection, gathering and levying of such tithes, fruits, emoluments, rents and other profits rising and growing during the vacation aforesaid; any thing in this act contained to the contrary in anywise notwithstanding.

Incumbents may declare their wills of any corn sown by them upon their glebe lands.

VI. Provided also, and be it further enacted by the authority aforesaid, that in case any of the incumbents aforesaid happen to die, and before his death hath caused any of his glebe lands to be manured and sown at his proper costs and charges with any corn or grain; that then in that case, all and every of the same incumbents may make and declare their testaments of all the profits of the corn growing upon the said glebe lands so manured and sown; any thing contained in this present act in anywise notwithstanding.

VII. And where also before this time divers and many parsons, vicars and other spiritual persons, being seized for term of their lives, of and in the said spiritual promotions aforenamed, as well for great sums of money to them beforehand paid, as for other causes and considerations, have let in farm for term of years, by sufficient writings, their said parsonages, vicarages and other spiritual promotions, or part thereof, unto divers and many of the king's subjects, and after such leases by them so made, the lessors thereof have oftentimes used to resign their said benefices or spiritual promotions

so demised and letten in farm; by reason of which resignation and other acts of the said lessors, the said benefices and other spiritual promotions have been void, and the title and interests of the said lessees hath been thereby annihilate, and of none effect in the law, contrary to right and good conscience: for reformation whereof, and for a quietness the better hereafter to be had and continued between the king's subjects, be it enacted by authority of this present parliament, that from the foresaid first day of *May* last past, no manner of such lease, by sufficient writing heretofore made, nor hereafter to be made, by any spiritual person within this realm of *England, Wales*, or the marches of the same, to any lay person, of any parsonage, vicarage or other spiritual promotion aforesaid, within this realm, upon which lease the rent and services reserved, with other the yearly charges of the lease, as in serving the cure and otherwise, shall amount within forty shillings by the year of as much as the said parsonage, vicarage or other spiritual promotion aforesaid, so letten, is rated and valued at upon the king's books, for paying the first fruits, shall be adjudged void, annihilate or determined, by reason of any such resignation, or other avoidance of the said benefice or spiritual promotion so letten, by the only act of the said lessor; but that every such lessee or grantee of any such benefices or spiritual promotions aforesaid, their executors or assigns, shall have and may enjoy their terms and interests of and in the same, for the term of six years, to be accounted next and immediately after the said avoidance, if the said lessor do so long live, and the lease so by him before made do so long continue and endure; and that after such avoidance, the successor or successors of every such lessor shall and may distrain for the rent and services so reserved, and have their actions of debt and all other advantages by way of action, entry or otherwise, against the said lessee, his executors or assigns, for recovery of the said rent and covenants upon the said lease reserved, as the lessor thereof might have had if no such avoidance had been had.

If a spiritual person do demise his benefice for years, and after doth resign or die, how long the lessee may enjoy it. Altered by 1 & 2 P. & M. c. 17.

VIII. And further be it enacted by the authority aforesaid, that if hereafter it happen any such lessor to decease and die before the end of the term by him so made, and that there be one year at lease to come of the said term, that then it shall be lawful to the lessee thereof, his executors or assigns, to hold and enjoy their said lease to the end of the same year, wherein he is so entered at the time of his said lessor's death, if his said lease do so long continue, bearing and paying unto the successor of every such lessor all such rent and services, as for the remnant of the said year shall upon every such lease be due; for the recovery whereof the said successor shall and may have all such ways and advantages as before is limited and given to the successor, where his predecessor maketh such lease, and resigneth.

IX. Provided alway, that every successor, after the death of his predecessor, may and shall have, upon one month's warning after the time of his induction, the mansion house of every such parsonage, vicarage, or other spiritual promotion aforesaid, with the glebe belonging to the same, not being sown at the time of his said predecessor's death, for maintenance of his household, deducting

The successor shall have the parsonage house, and the glebe not sown.

therefore in his rent, as heretofore hath been borne for the same, or as it is reasonably worth; any thing in this act contained to the contrary notwithstanding.

Provision for the curate who serves during the vacation.

X. Provided alway, that if the fruits of the vacation of the said spiritual promotions be not sufficient to pay the curate's stipend and wages for serving the cure the vacation time, that then the same to be borne and paid by the next incumbent within fourteen days next after that he hath the possession of any of the said promotions spiritual.

Recital of st. 26 H. 8, c. 3, for settling the first fruits and tenths upon the crown;

32 HENRY 8, CAP. 45.—*The erection of the court of the first fruits and tenths.*—Where at a parliament holden at *Westminster* the third day of *November* in the twenty-sixth year of the reign of our most dread, natural and sovereign liege lord *Henry* the eighth, by the grace of God, king of *England* and *France*, defender of the faith, lord of *Ireland*, and in earth supreme head of the church of *England*, it was enacted, ordained and established, that the king's highness, his heirs and successors, kings of this realm, should have and enjoy from time to time to endure for ever, of every such persons, which at any time after the first day of *January* then next coming, should be nominated, elected, prefected, presented, collated, or by any other means appointed to have any archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual, within this realm and elsewhere within any the king's dominions, of what name, nature or quality soever they were, or to whose foundation, patronage or gift soever they did belong, the first fruits, revenues and profits for one year of every such archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office, or promotion spiritual afore named, whereunto any such person or persons should after the said first day of *January* be nominated, elected, prefected, presented, collated, or by any other means appointed: and that every such person and persons before any actual or real possession or meddling with the profits of any such archbishopric, bishopric, abbacy, monastery, college, hospital, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, priory or other dignity, benefice, office or promotion spiritual, should satisfy, content and pay, or compound or agree to pay to the king's use, at reasonable days, upon good sureties, the said first fruits and profits for one year. And also by the same act it was further enacted by the authority aforesaid, that the king's majesty his heirs and successors, king's of this realm, for more augmentation and maintenance of the royal estate of his imperial crown and dignity of supreme head of the church of *England*, should yearly have, take, and enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or pension amounting to the value of the tenth part of all the revenues, rents, farms, titles, offerings, emoluments and of all other profits, as well called spiritual as temporal, then appertaining or belonging, or that after the making of the said act should belong to any archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house

collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel or other benefice or promotion spiritual, of what nature or quality soever they were within any diocese of this realm or in *Wales*; the said pension or annual rent to be paid yearly for ever to our said sovereign lord, his heirs and successors king's of this realm at the feast of the nativity of our Lord God, as by the same act amongst divers other things therein contained more plainly is shewed and may appear.

II. And for the more surety and establishment thereof, and to the intent that the king's majesty his heirs and successors, shall be the better served in obtaining the premises, and also from henceforth be truly and justly answered, contented and paid yearly, of all that which to his highness, his heirs or successors appertaineth or belongeth, or hereafter shall appertain or belong by virtue, and according to the tenor of the said act: be it enacted, ordained, and established, by the king's majesty, by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, in manner and form as hereafter followeth, that is to say:

III First, the king our sovereign lord, by the authority aforesaid, maketh, erecteth, and establisheth a certain court, commonly to be called for ever, the court of the first fruits and tenths, which court by authority aforesaid, continually and for ever shall be a court of record, and shall have one seal to be engraven and made after such form, fashion, and manner, as shall be appointed by the king's highness, and shall remain and be ordered, as hereafter shall be declared.

IV. Also be it enacted by the authority aforesaid, that there shall be one certain person to be named and assigned by the king's highness, his heirs and successors, which shall be chancellor of the same court, and shall be chief and principal officer of the same court, and shall be called the chancellor of the first fruits and tenths, and shall have the keeping of the said seal to be assigned of and for the said court.

V. And be it also enacted by the authority aforesaid, that there shall be one person to be named and assigned by the king's highness, which shall be called the king's treasurer of the first fruits and tenths, and shall be the second officer of the same court. And that there shall be one person to be learned in the law of this land, to be named and assigned by the king's highness, which shall be the king's attorney of the first fruits and tenths, and shall be the third officer of the same court. And that there shall be two persons to be named by the king's highness, which shall be named the king's auditors of the first fruits and tenths, and shall be officers of the same court. And that there shall be one clerk to be named and assigned by the king's highness to be clerk of the same court, which shall make all bonds, writings, and other ordinary process and entries out and from the same court.

VI. And there shall be one other person to be named and assigned by the king's highness, which shall be called the messenger of the said court.

VII. And one other person to be named and assigned by the king's highness, which shall be called the usher of the same court:

which messenger and usher, and every of them, shall have such like profits and advantages, as the messenger and usher of the king's duchy chamber at *Westminster*, have and perceive: and the said chancellor, which shall be appointed by the king's highness, shall take a corporal oath afore the lord chancellor of *England* for the time being, after the tenor ensuing.

Oath of the
chancellor.

VIII. **Y**e shall swear, that ye well and truly shall serve the king in the office of the chancellorship of the first fruits and tenths, and shall minister equal justice to rich and poor, to the best of your cunning, wit, and power, and that ye shall diligently procure all things which may honestly and justly be to the king's advantage and profit, and to the augmentation of the rights and prerogatives of his crown, and truly use the king's seal appointed to your office: and also endeavour yourself to the uttermost of your power, to see the king truly and justly answered yearly, of all such rents, revenues and profits, which shall or may arise, grow, or be due to the king in your office: and from time to time deliver with speed such as shall have to do afore you: and that ye shall take nor receive of any person, any gift or reward in any case or matter depending before you, or wherein the king's highness shall be party: whereby any prejudice, hindrance, loss or disherison, shall grow or be to the king's highness, so help you God and all saints.

Oath of the
treasurer.

IX. Also the said treasurer shall take a corporal oath before the said chancellor of the said court, according to the tenor ensuing.

Ye shall swear, that ye shall well and truly serve the king our sovereign lord and his people, in the office of the treasurer of this court, and ye shall reasonably and honestly procure the king's profit, and do right to all manner of people, poor and rich, in those things which touch your office and the king's receipt of his money: ye shall truly keep, dispend, pay and deliver, and a true declaration, and account thereof shall make from time to time without any concealment, according to this act made for the stablishment of this court: and further shall do every thing that of right appertaineth to your office, so help you God and all saints.

Oath of the
attorney.

X. Also the said attorney shall take a corporal oath before the said chancellor, according to the tenor hereafter ensuing.

Ye shall swear that ye shall well and truly serve the king, as his attorney in all courts, for or concerning any matter or cause that shall concern or touch the rents, revenues, profits, or hereditaments, limited to the survey and governance of this court, and procure the king's profit thereof: and that ye shall truly counsel the king and chancellor of this court in all things concerning the same, to the best of your cunning, wit, and power: and with all speed and diligence from time to time, at the calling of the said chancellor, ye shall endeavour yourself for the hearing and determination indifferently of such matters and causes as shall depend before the said chancellor: and that ye shall not take any gift or reward in any matter or cause depending in the same court, or elsewhere, wherein the king shall be party, whereby the king's majesty shall be hurt, hindered, or disherited. And further ye shall do to your power, wit, and cunning, all and everything that of right appertaineth to your office; so help you God and all saints.

XI. Also the said auditors and every of them, shall take a corporal oath before the said chancellor of the said court, after the tenor ensuing. Oath of the auditors.

Ye shall swear that ye truly shall serve the king in your office, and true allowances make to every person which shall be accomptant before you: and you shall not take nor receive of poor nor rich, any gift or reward in any matter or cause depending or to be discussed in the same court, but such as shall be ordinary appertaining to your office, whereby the king shall be hurt, hindered, or disherited: and ye shall do everything which shall be appertaining to your office; so help you God and all his saints.

XII. Item, that the said clerk of the said court, shall take a corporal oath before the said chancellor after the tenor ensuing. Oath of the clerk.

Ye shall swear that ye shall well and truly serve the king in your office of the clerk of the council of this court, and truly do and execute all and every thing and things which ye ought to do by reason of your office, according to the form and effect of this act; so help you God and all his saints.

XIII. Also be it enacted by the authority aforesaid, that the said first fruits and tenths, and all the revenues and profits thereof, which now be or hereafter shall grow or be by any manner of means, shall be from henceforth in the order, survey and governance of the said court and ministers of the same. The first fruits and tenths shall be under the survey of the said court.

XIV. Also be it enacted by authority aforesaid, that the said chancellor in all places, and the said treasurer, attorney, and auditors, or two of them in the said court, the said chancellor being absent, and also such commissioners, deputies, and substitutes, as the said chancellor shall assign, appoint, and depute in any shires or places of this realm, shall have power to compound and take obligations to the king's use of any person or persons, and of his sureties for the sure payment of the said first fruits, or for any other cause or matter concerning the premises determinable within the same court. And that all such obligations and writings obligatory, of what sums soever they be, shall be taken in manner and form abovesaid, and none otherwise; and shall be of the same strength, force, virtue, quality, and effect, to all intents and purposes, as writings obligatory heretofore made by any lay person, by authority of the statute of the staple been or ought to be: and that like process and executions thereupon, shall be made out of the said court for the levying of the debts due or hereafter to be due by virtue of the said writings obligatory against any person spiritual or temporal, as hath been accustomed to be made against any lay person, upon certificate of writings obligatory of the said statute of the staple: and that all obligations hereafter to be taken concerning the premises, contrary to the tenor of this act, shall be void and of none effect. And that no person shall be compelled to pay for any writing obligatory to be made for any cause touching the said court, above eight-pence, and for any acquittance above four-pence. And that the said chancellor for the time being, shall have full power and authority to award under the seal to be appointed to the said court, in the king's name, such process and precepts, with reasonable pains to be therein limited, as be now commonly used in the court of the king's duchy chamber. The said officers shall have power to compound for first fruits, and all writings, and levying of debts, shall be according to the stat. of the staple. The fee for the bond, eight-pence. Acquittance four-pence. Process shall be awarded according to the rules of the duchy chamber.

of *Lancaster* being at *Westminster*, against every person and persons whatsoever they be, for and concerning the interest, right, and title of the king's majesty, his heirs and successors, of or for any tenths, revenues, profits, account, receipt, or other cause in anywise touching or concerning any thing appointed to the order and survey of the said court or any part thereof, for and on the behalf of our said sovereign lord the king, or of or for any debt rising and growing by occasion of the same.

The officers shall attend the chancellor in term time,

XV. Also be it enacted by authority aforesaid, that the said treasurer, attorney, and auditors, shall diligently from time to time, attend upon the said chancellor in the said court, for the hearing and ordering of matters and causes in the same court for the time of the four terms of the year usually kept for the law at *Westminster*, and procure with all diligence, that all debts, duties, and other profits, being in the survey and governance of the said court, shall be truly and justly paid and answered to the said treasurer of the said court, to the use of the king's highness, without concealing any part thereof: and shall also cause and procure process to be made against such as shall be indebted to the king's highness and their sureties, of and for any part thereof from time to time, as the time and case shall require, without any delay.

and cause process to be made, as there shall be occasion.

The clerk, messenger, and usher shall attend the chancellor.

XVI. And be it further enacted by the authority aforesaid, that the said clerk, particular messenger and usher, and every of them, shall upon reasonable warning at all times and places, from time to time, give attendance upon the said chancellor for the time being, for the due execution and expedition of the premises, without any delay, upon such pains as shall be assessed by the king's majesty, upon information thereof given by the said chancellor to his highness.

Any officer who shall be guilty of fraud, shall forfeit the double value.

XVII. Also be it enacted by the authority aforesaid, that if any of the said officers, appointed for the same court, do conceal or withdraw willingly, any debts, duties, tenths, revenues, or other profits, falling, growing or coming to the king, by reason of the first fruits and tenths, or by reason of any other thing appointed by this act, to be within the survey and order of the said court; that then the said officer and officers so offending, shall lose to the king our said sovereign lord, the double value of the thing so concealed or withdrawn.

The treasurer's acquittance shall be good.

XVIII. Also be it enacted by authority aforesaid, that the said treasurer for the time being, shall have authority by this act to give his acquittance of and for such money and obligation, as he shall receive of them to the king's use, for and concerning the first fruits and tenths, and other things appointed to the order of the said court: and that this said acquittance shall be from henceforth a sufficient acquittance and discharge, as well for the discharge of the parties against the king's highness his heirs and successors, for payment of so much money, as also to the auditor for the time being, and to every of them, for making due allowance of the same. And that any acquittance hereafter to be made concerning the premises, by any person or persons, contrary to the tenor, form, and effect of this present act, shall be void and of none effect.

The treasurer shall account yearly

XIX. Also be it enacted by the authority abovesaid, that the said treasurer, before the twentieth day of *March* next after the feast of

Saint Michael the archangel, shall yearly declare truly his whole account to the said chancellor and auditors, or to the said chancellor and one of the said auditors; which chancellor and auditors, or chancellor and one of the said auditors, shall by this act have authority to take and determine the same account before the last day of *July* next ensuing: upon which determination of account, the said treasurer within one month next ensuing the determination of the said account, shall truly content and pay to the king's use, all such sums of money by him received, as shall appear to be due to the king's highness, and unpaid upon the same account; after which determination, the said auditors, or one of them, shall engross the same into parchment, and the same so engrossed, shall return into the office of the said court of the first fruits and tenths before the last day of *February* next, after the determination of the same account, there for to remain as the king's records.

to the chancellor and auditors,

and shall pay all sums due, within one month after,

and the account shall be engrossed.

XX. Also be it enacted by authority abovesaid, that the said treasurer from time to time upon this account, shall be allowed as well of such fees as shall be limited unto him for the exercise of his office, as of and for all such sums of money as he shall pay to any patentee or patentees of any office, fee, or annuity, that shall be granted or given under the seal of the said court, and also of such money as he shall pay to any other person or persons, by virtue of the king's warrant or bill assigned, and also of all sums of money as he shall be commanded to pay by any bill assigned or subscribed by the hand of the said chancellor for the time being, upon such considerations as shall be thought convenient by his discretion, of or for any cause, thing, or matter, concerning the said court whatsoever it shall be; and that the said auditors or one of them, taking accounts of the said treasurer, shall have authority and power to allow the said treasurer the premises and every of them.

The treasurer, in the account, shall be allowed his salary and other expenses.

XXI. Also be it enacted by the authority aforesaid, that all manner of process that shall be made out of the king's exchequer, or out of any other court, other than the court made by authority of this present act, to or against any person or persons, for any debt, tenth, issues, and profits concerning the premises or any part thereof, from henceforth to be due, limited in this act to be in the survey, order, and governance of the said court made by this act and the ministers thereof; shall be clearly void and of none effect, to all intents and purposes.

All process in other courts concerning the first fruits and tenths shall be void.

XXII. Also be it enacted by the authority aforesaid, that the said chancellor and officers of the said court, shall take such fees for the seals and writings to be made and granted out of the said court at the suit of the parties, if any such happen to be, and for appearances, as the chancellor of the duchy of *Lancaster*, and officers there, conveniently use to take for the same.

The fees shall be the same, as those of the duchy of Lancaster.

XXIII. And be it enacted by the authority aforesaid, that if any person or persons, called by the king's process of the same court to appear at *Westminster* in the same court within the term at a certain day to him prefixed in the process, appear and have a day given in the said court to make answer to the matters against them objected in the same court on the king's behalf; depart the court before answer made, and attorney put into the court with the assent of the

Any person called by the king's process, and departing before answer made, shall be fined for contempt,

and, not appearing, his body shall be attached.

All accounts shall be engrossed, and remain in the court, as records.

Religious houses being now come into the king's hands; certificate thereof shall be made under the seal of the office,

and thereupon, a defalcation.

court, for prosecuting the matter with effect, shall forfeit to the king's grace his heirs and successors, such fine as shall be upon him set for his contempt and offence in that behalf, as the said chancellor, treasurer, and attorney of the said court, or two of them shall think convenient by their discretions to be levied of his lands and tenements, goods and chattels, to the king's use. And in case the party to whom any such process shall be directed, do make default at the first day of his appearance, that then attachment shall be awarded out of the said court, directed to the sheriffs of such county, as it shall seem to the chancellor most expedient, to attach the body of the same person making default, as is abovesaid, and to bring his body into the said court at such day, within any of the four terms, as unto the said chancellor for the time being shall be thought convenient by his discretion.

XXIV. And be it enacted by the authority aforesaid, that as many accounts of the first fruits and tenths, as be clearly accounted, and not returned into the king's exchequer, and also as many other accounts of the said first fruits and tenths as be not fully accounted and engrossed, shall be engrossed and returned within two years next ensuing, in the said court of the first fruits and tenths, there to remain as the king's records. And that the chancellor and auditors of the said court for the time being, shall have full authority and power, to hear, examine, and determine, all and all manner of accounts heretofore made concerning the said first fruits and tenths.

XXV. And forasmuch as divers religious houses within this realm and other the king's dominions, be now dissolved, and the possessions thereof lawfully come unto the king's hands and others by his grace's gift, bargain, grant, and assignment; by reason whereof, and reason of miscertificate of the said possessions, and of the tenth concerning as well the same possessions, as other possessions of spiritual persons, into the king's exchequer, the archbishops, bishops, and other accountants upon their accounts, be, and of long time have been greatly charged, vexed, and troubled. For remedy whereof, be it enacted by authority aforesaid, that the original of the certificate of the whole tenth, certified into the king's exchequer, and all other records there concerning the same, shall be delivered into the said courts of the first fruits and tenths, there to remain as the king's records: and that the said chancellor shall have full power and authority, by virtue of this act from time to time, to write under the seal of office appointed to the said court, unto the treasurer and barons of the said exchequer, and also unto all officers and ministers of all the king's courts to certify any matter of record, or other sufficient cause remaining afore them concerning the premises for the true proof and trial thereof, into the said court of first fruits and tenths. And the said chancellor, treasurer, and auditor or auditors, upon a certificate thereof, or else upon the examination of witnesses to be taken, as well by commission as otherwise, or by other sufficient proofs or discharge, alleged, shewed, and proved afore them by the said archbishops, bishops, or other accountants, shall by authority aforesaid, have full power and authority by their discretions, to make allowance, defalcation, discharge, and full determination unto them and every of them in his or their said accounts concerning the premises, according as of right appertaineth.

XXVI. And be it further enacted by the authority aforesaid, that all sums of money hereafter to be paid by any archbishop, bishop, or other person or persons, chargeable to or with the collection, levying, or receipt of the tenth, granted to the king's highness by the authority of the said act thereof made in the said twenty-sixth year of his most noble reign, shall from henceforth for ever be paid to the treasurer of the said court of the first fruits and tenths, at such days and times as are limited and appointed in the said act, and to none other person nor persons. And that if any payment or payments thereof hereafter be otherwise made, without the king's highness' special assignment or warrant in writing thereof made, that then the said payment or payments shall be void and of none effect.

The times of payment shall be according to the stat. of 26 H. 8, c. 3.

XXVII. And it is also enacted by the authority aforesaid, that all the certificates hereafter to be made by any archbishop or bishop, or by any other person or persons, limited and charged to the collection and payment of the said tenths, by the authority of the said act, of the grant thereof to our sovereign lord the king's majesty, shall from henceforth for ever be made and certified into the said court of the first fruits and tenths, as they should or ought before the making of this act, to have been made and certified into the king's exchequer, by authority of the said act or the grant of the said first fruits and tenths; and that the same certificates, and every of them, so hereafter to be made and certified into the said court, shall be and stand of such like strength and effect to all intents and purposes, as they and every of them should have been if they had been certified and made into the king's said court of exchequer, before the making of this act. And that upon all certificates hereafter to be made into the said court of first fruits and tenths, process shall be made out of the said court by the discretion of the chancellor of the said court for the time being, for the levying and true contentation and payment of the king's duties in that behalf, in such wise as the king's highness may be truly satisfied thereof, of those persons that shall be chargeable therewith, by the authority of the said act of the grant of the said first fruits and tenths: and all certificates hereafter to be made concerning any the premises into the king's exchequer, shall be void and of none effect.

and certificates shall be made into this court, as before into the exchequer,

and process made out by the chancellor.

XXVIII. Provided that this act, or any article, clause, or sentence therein contained, extend not to any rents or tenths now payable, or hereafter to be paid in the king's court of augmentations of the revenues of his crown, by reason of any of the king's grace's letters patents, acts of parliament, or otherwise.

Proviso, for tenths payable in the court of augmentations.

1 & 2 PHILIP & MARY, CAP. 8, SECS. 9 & 11.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 126.

2 & 3 PHILIP & MARY, CAP. 4.—*An act for the extinguishment of the first fruits, and touching the order and disposition of the tenths of spiritual and ecclesiastical promotions, and of rectories, and parsonages impropriate, remaining in the queen's majesty's hands.*—Where at a

Recital of st.
26 H. 8, c. 3,
for annexing
to the crown,

the first
fruits,

and tenths.

parliament holden at *Westminster* the third day of *November*, in the one and twentieth year of the reign of our late sovereign lord king *Henry* the eighth, and upon prorogation there holden the third day of *November*, in the six and twentieth year of the said late king, for the maintenance of his royal estate, then being recognized the only supreme head in earth next and immediately under God, of the church of *England*: it was enacted, by the authority of the said parliament, that the said king, his heirs and successors, kings of this realm, should have and enjoy from time to time, to endure for ever, of every such person and persons, which at any time after the first day of *January* then next coming, should be nominated, elected, prefected, presented, collated, or by any other means appointed to have any archbishopric, bishopric, abbey, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the king's dominions, of what name, nature or quality soever they were, or to, or of whose foundation, patronage, or gift soever they belonged, the first fruits, revenues and profits for one year of every such archbishopric, bishopric, abbey, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual aforesaid, whereunto any such person or persons should after the first day of *January* be nominated, elected, prefected, presented, collated, or by any other means appointed; and that every such person and persons, before any actual or real possession or meddling with the profits of any such archbishopric, bishopric, abbey, monastery, priory, college, hospital, deanery, provostship, prebend, patronage, vicarage, chantry, free chapel, or other dignity, benefice, office, or promotion spiritual, should satisfy, content and pay, or compound or agree to pay to the king's use, at reasonable days upon good sureties, the said first fruits and profits, for one year.

And where further in the said parliament, it was enacted by authority aforesaid, that the said king, his heirs and successors, kings of this realm, for more augmentation and maintenance of the royal estate of the imperial crown and dignity of supreme head, should yearly have, take, receive and enjoy, united and knit to his imperial crown for ever, one yearly rent or pension, amounting to the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, then appertaining or belonging, or that from thenceforth should belong to any archbishopric, bishopric, abbey, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality soever they were, or be, within any diocese of this realm, or in *Wales*; the said pension or annual rent, to be yearly paid for ever to the said late king, his heirs and successors kings of this realm, at the feast of the *Nativity* of our Lord God. And that the first payment thereof, should begin at the feast of the *Nativity* of our Lord God, which then should be in the year of our Lord God one thousand five hundred thirty-five, and to be

paid yearly by such as should be appointed to have the collection thereof by the same act, in such manner and form, as should after that time be limited by the said act, before the first day of *April* next following after the feast of the nativity of our Lord, as in the said act, amongst other things, more plainly appeareth.

II. The king and the queen's most excellent majesties, for divers urgent considerations therein their honors and consciences specially moving, will that it be enacted, and therefore be it enacted by authority of this present parliament, that all payments of the said first fruits shall from henceforth cease, and be clearly extinct and determined for ever. And that as well all and singular archbishoprics, bishoprics, and other benefices, dignities, and promotions spiritual, afore charged and chargeable to and with the payments of the first fruits, as all and every possessor, owner, and incumbent of the same, and their successors, shall from and after the eighth day of *August* last past, and so from thenceforth at all times for ever be clearly exonerate, acquitted and discharged against our said sovereign lord and lady, of and from the payment and payments of all and every of the said first fruits, in as ample and large manner and form, as they were before the making of the said act, and as though the same act had never been had nor made.

Enacted, that, all payments of first fruits shall be extinct, and determined, for ever.

III. Provided always, and be it enacted by the authority aforesaid, that this act, or anything therein contained, shall not in any wise extend to extinguish, or discharge any recognizance, or other bond obligatory, or any pain, penalty, debt, or forfeiture, had, made, or due to the queen's highness, her heirs and successors, at any time before the said eighth day of *August* last past, for and concerning the said first fruits.

but recognizances, &c. made before August 8, shall be good.

IV. And whereas since the said six and twentieth year of the said late king *Henry* the eighth his majesty, and the late king *Edward* the sixth, and our sovereign lord and lady the king and queen's majesties, or any of them, have before this time by their several and sundry letters patents given, granted, and assured, as well unto sundry bishops and their successors, as to divers cathedral churches, deans and chapters, colleges, and other ecclesiastical and spiritual persons, and corporations, and their successors, divers manors, lands, tenements, rectories, parsonages, tithes, glebe lands, and other hereditaments, to hold in pure and frank almoigne, or by any other tenure, and to pay yearly unto their majesties, their heirs and successors, one yearly rent in the name of a tenth, or the tenth part of the yearly value of the same; as by the said several patents more at large doth appear.

Tenths were made payable to the crown by king *Henry* the eighth, &c.,

V. Our said sovereign lord and lady, the king and queen's majesty that now are, further willing that it be enacted, and be it enacted by the authority of this present parliament, that the said perpetual pension, annual rent or tenth, mentioned and contained in the said act, made in the said six and twentieth year of the reign of the said late king *Henry* the eighth, and the said several rents and tenths reserved upon the said letters patents, for, and in the name of a tenth, or any of them, from and after the feast of *Saint Michael* the archangel last past, shall not be paid, or payable unto their majesties, her heirs and successors; and that as well all and singular the

but they shall not hereafter be payable to the queen, or her successors;

who do here-
by renounce
them.

Also, divers
revenues of
the church
came into
the posses-
sion of the
crown,

none of
which shall
be received,
or enjoyed,
by the queen
or her suc-
cessors,

archbishoprics, bishoprics, and other the benefices, dignities, deans and chapters, colleges, corporations, and spiritual promotions aforesaid, as all and every possessor, owner, proprietary, and incumbent of the same, and their successors, and every of them, from and after the said feast of *Saint Michael* the archangel last past, shall be clearly exonerate, acquitted, and discharged of, and for the payment of the said perpetual pension, annual rent, or tenths aforesaid, and of the said tenths reserved upon the said letters patents, and of every of them, against our said sovereign lord and lady, and the heirs and successors of the queen, to the intent that the same shall be ordered, used, and disposed in manner and form as hereafter in this act shall be expressed. And for the better declaration of their majesties' good and godly dispositions in the premises: their highnesses doth by authority of this present parliament clearly give over, renounce, and relinquish from them, and the heirs and successors of the queen's highness, the said perpetual pension, annual rent, and tenth, and the said rents reserved, *nomine decimæ*, upon the said several letters patents, and all their right, title, and interest, which they or the said heirs or successors of our said sovereign lady the queen, have or may have in or to the same. And where divers and sundry rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions, and other profits and emoluments, ecclesiastical and spiritual, to the same, or any of them belonging, and the reversion and reversions of divers of them, since the twentieth year of the reign of the said late king *Henry* the eighth, came unto the hands and possession of the said late king; and likewise since his death unto the hands of the said late king *Edward* the sixth; and after into the hands and possession of the king and queen's majesties that now are, as in the right of her highness, of an estate of inheritance: their majesties like good catholic and christian princes, earnestly tendering the instruction of their people in true and sincere doctrine, and therewithal weighing the poverty and scarceness of living, of many and sundry benefices and cures within this realm, and other their dominions, whereof sufficient and able curates cannot be gotten to serve the same, are likewise willing that it be enacted.

VI. And therefore be it enacted by the authority of this present parliament, that their majesties, and the heirs and successors of the queen's highness, shall not from the feast of *Saint Michael* the archangel last past, receive, perceive, take or enjoy any the issues, revenues, profits or commodities, rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions, and other profits and emoluments ecclesiastical and spiritual aforesaid, or any of them, or of the reversion or reversions of them, or any of them: but doth from and after the said feast, clearly give over, renounce and relinquish by the authority aforesaid, the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions, and other profits and emoluments ecclesiastical and spiritual aforesaid, and every of them, and the reversion and reversions of them and every of them, and all their right, title, use, interest and demand of, in or to the same, from them and the heirs and successors of the queen's majesty for ever; to be used, employed, ordered and disposed in manner and form, as in this act hereafter is expressed and declared.

VII. Provided always, and be it enacted by authority of this present parliament, that this act or any thing therein contained, shall not in any wise extend to extinguish, or give away any of the issues, revenues or profits of the said rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions and portions aforesaid, or any arrearages of rents of the same, or the arrearages of any of the said several tenths before specified, or of any part or parcel thereof due unto their majesties, her heirs and successors, at the said feast of *Saint Michael* the archangel last past, or any time before the said feast; but that their highnesses, her heirs and successors shall have, receive and enjoy all and singular the said arrearages of the said rents and several tenths, due at or before the said feast, in like manner and form as if this act had not been made: any thing before mentioned, law, use or custom to the contrary notwithstanding.

except the arrears of them, and of tenths, till Michaelmas last.

VIII. Provided also, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not in any wise extend to extinguish, discharge or give away any yearly rent, reserved for and in the name of a tenth, upon any letters patents heretofore made and granted by our said sovereign lord king *Henry* the eighth, king *Edward* the sixth, and by our sovereign lord and lady the king and queen's majesties, or by any of them, to any person or persons, and to their heirs, or in fee tail general or special, or for term of life, lives or years, or to any bodies politic and corporate, and to their successors, other than to spiritual and ecclesiastical corporations, and to their successors; but that the king and queen's majesties, her heirs and successors, shall have, perceive and enjoy, all and singular the said rents so reserved, upon any of the said letters patents, not being made and granted to any spiritual or ecclesiastical persons and corporations, and to their successors, as aforesaid, in like manner and form as if this act had never been made.

This act shall not discharge lay persons from rents reserved in the name of a tenth, but spiritual persons or bodies only.

IX. And where the king and the queen's majesties stand charged for the payment of sundry rents, pensions, annuities, corrodiess, fees, and other yearly payments severally granted, as well by divers and sundry late abbots, priors, masters of colleges, masters of hospitals, chantry priests, and other ecclesiastical and spiritual persons, before the dissolution of their houses, to divers and sundry persons, severally or jointly for term of life, lives or years, as also by her said father king *Henry* the eighth, and by her said brother king *Edward* the sixth, and by her majesty, or by any of them, to divers and sundry religious persons, and others severally or jointly, for term of life, lives or years: the names of all which persons, together with their several yearly rents, pensions, annuities, corrodiess, fees and yearly payments and profits, shall be specially and particularly set forth and contained in a certain book indented, whereof the one counterpart to be signed by our said sovereign lady the queen, and the other with the sign manual of the most reverend father in God *Reginald Poole*, cardinal and legate *de latere* of the pope's holiness, and of the see apostolic, specially sent unto their majesties, and to their kingdoms and dominions: to the intent our said sovereign lord and lady the king and queen's majesties, their heirs and successors, should be from the said feast of *Saint Michael*

The king and queen standing charged with the pensions and annuities granted to the religious, upon the dissolution.

the archangel last past, and at all times from henceforth, clearly exonerated, acquitted, discharged and saved harmless, of and from the payment of the said rents, pensions, annuities, corrodi- es, fees and yearly payments aforesaid. Our said sovereign lord and lady the king and the queen's majesties are pleased and contented that it be enacted :

Enacted,
that, the lord
cardinal
shall appoint
a certain
number of
the clergy to
receive all
tenths, and
profits of im-
propriations,
&c.,

who shall
pay,

1. The said
pensions to
the religious,
charged upon
the crown,

X. And therefore be it enacted by the authority of this present parliament, that such and so many of the clergy of this realm, as the said lord legate's grace shall from time to time name and appoint, and the successors of them and every of them (if it shall so please the said lord legate's grace to name, appoint and assign them) shall from the said feast of *Saint Michael* last past, and so from thenceforth from time to time, until the said rectories, parsonages, and benefices improp- ri-ate, and other the said spiritual profits, shall be otherwise ordered, used, and employed by the assignment of the said lord legate's grace, as hereafter is expressed and declared, have, take, perceive, and receive, as well all and singular the said perpetual pension, annual rents, or tenths, and every of them, at such days and time, and by all such ways and means, as the same is limited and appointed to be paid, either by the said several letters patents, or by the said former statute made in the said six and twentieth year of king *Henry* the eighth, or by any other statute made for and concerning the true pay- ment of the said tenths, or any of them ; as also all and singular the issues, revenues, profits, and commodities, of and in all and singular the said rectories, parsonages and benefices improp-riate, glebe lands, tithes, oblations, pensions, portions, and other profits and emolu- ments, ecclesiastical and spiritual aforesaid, and of the reversion and reversions thereof, when they shall fall, by all such ways, remedies, and means, for the levying and recovery of the rents and profits of the said premises, as our said sovereign lord and lady, her highness' heirs and successors, should or might have done, if the said premises had still continued in their majesties' hands and possession ; to this use, and intent and purpose following, that is to say, that such and as many of the clergy of this realm, and their successors, as the said most reverend father, the lord legate's grace, shall name and appoint, as is aforesaid, shall therewith satisfy, content and pay, or cause to be satisfied, contented and paid, to all and every the said religious persons, and others named within the said book indented, which at this time have or ought to have any pension, corrody, annuity, yearly rent, profit or fee, for term of life, lives or years, as is afore- said, all and singular their said pensions, corrodi- es, annuities, rents, or fees, at such days and times as is limited and appointed by several letters patents, or other writings or grants to them made, and in such manner and form as our said sovereign lord and lady, the king and queen's highnesses, her heirs and successors, should or ought to have paid the same, if this act had never been had or made, any thing before mentioned to the contrary notwithstanding. And that they shall exonerate, acquit, and discharge or save harmless the said king and queen's majesties, and her heirs and successors kings of this realm, of and for the payment of all and singular the said pensions, annuities, corrodi- es and fees, and shall be further bound for the assurance thereof, as shall be devised by their majesties,

with the assent of the said lord legate, any thing before mentioned to the contrary notwithstanding. And to the intent the poor benefices and cures of this realm, and other the dominions thereto belonging, may be hereafter furnished with good and able curates to instruct the people with good and sincere doctrine, and to be able to maintain hospitality, and for and to other godly intents and purposes to be done within this realm: our said sovereign lord and lady, the king and queen's majesties, of their most gracious dispositions, are pleased and contented, and willing that it be enacted:

XI. And be it enacted by the authority aforesaid, that the said lord legate shall and may dispose, order, employ, and convert the said rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions and other the said profits and emoluments, ecclesiastical and spiritual, to and for the increase and augmentation, of livings of the incumbents of the said, or other poor cures and benefices, or otherwise for the finding of preachers, or the exhibition of scholars within this realm, and dominions of the same, as by the godly wisdom and discretion of the said lord legate, shall be thought most meet and convenient. Saving to all and every person and persons, bodies politic and corporate, and their heirs, assigns and successors, and every of them, other than our said sovereign lord and lady the king and queen's majesties, and the heirs and successors of the queen, all such parsonages, nominations, presentations, advowsons, right, title, possession, interest, reversion, remainder, entry, condition, fees, offices, rents, annuities, commons, leases, liberties, and all other commodities, thing and things, profits and hereditaments whatsoever, in like manner and form to all intents constructions and purposes, as they or any of them, should, might, or ought to have had, in, or out of any of the said tenths, parsonages, rectories, benefices, vicarages, tithes, pensions, portions, obligations, obventions, or in, or to any the premises, or any part thereof, in as ample and large manner as if this act had never been had nor made.

2. Such sums as he shall judge expedient for augmentation of livings, finding of preachers, and exhibition of scholars.

Saving of rights to others.

XII. Provided always, and be it further enacted by the authority of this present parliament, that immediately after the decease of the said persons named in the said book to be indented, and the determination of their several estates and rights, in and to the said annuities, fees, rents and corrodiess; the said payment of the said perpetual pension, annual payment or tenth, and of the said tenths and rents reserved *nomine decimæ*, upon any letters patents made unto ecclesiastical and spiritual persons aforesaid, shall utterly cease and be determined for ever, any thing herein contained to the contrary in anywise notwithstanding.

When the said pensions are at an end, the payment of tenths shall cease for ever.

XIII. And be it further enacted by the authority of this present parliament, that all and singular person and persons, bodies politic and corporate, being spiritual and ecclesiastical, and their successors, and every of them, which shall hereafter have and enjoy any of the said rectories, parsonages and benefices impropriate, glebe land, tithes, oblations, pensions, portions, and other profits and emoluments ecclesiastical and spiritual aforesaid, shall and may have and enjoy by authority of this act, like advantages, means, benefits, actions and remedies against the lessees and grantees, their executors

All spiritual persons who shall enjoy impropriations, &c. shall have remedies against the lessees, as if they had been parties to the leases.

and the les-
sees shall
have like
remedies
against the
said spiritual
persons.

Patronages
of the vicar-
ages of im-
propriations
shall remain
in the crown,

and so they
shall also, if
they be here-
after disap-
propriate.

administrators or assigns, and every of them, by entry for non-payment of rent from henceforth to be due, or for any waste hereafter to be done, or for breach or not performing of any condition or covenant or agreement, from henceforth to be performed, fulfilled or done, contained and expressed in the indentures of the said leases or grants, against all and every the said lessees, farmers and grantees, and their executors, administrators and assigns, and every of them, as the said person and persons, bodies politic and corporate, spiritual and ecclesiastical, their successors and every of them should and might have had, if they had been party and privy to the said indentures, leases and grants: and likewise that all and every the said farmers, lessees and grantees, their executors, administrators and assigns, and every of them, shall and may have and enjoy such part of the premises as is contained in their lease or leases, grant or grants, during such time as is mentioned and limited in any such lease or leases, grant or grants; yielding and paying the yearly rents and services reserved upon the same lease or leases, and performing all and singular covenants and agreements, specified in every such lease and grant, the which on the lessee's part are to be observed and kept: and further shall have like action, advantage, benefit and remedy against all and every the said person and persons, bodies politic and corporate, spiritual and ecclesiastical, and their successors and every of them, which shall have and enjoy any part of the premises, for any condition, covenant, grant, or agreement hereafter broken, or not performed, contained and expressed in their several indentures of their leases and grants, or any of them, the which on the part and behalf of the lessors are to be observed and kept, as the same lessees or grantees, or their executors, administrators and assigns, or any of them, might or should have had against the said person or persons, bodies politic and corporate, ecclesiastical and spiritual, and their successors, or any of them, if they had been both party and privy to the said indentures, leases and grants.

XIV. Provided also, and be it enacted by the authority aforesaid, that this act or any thing therein contained, shall not extend to take away from our said sovereign lady the queen, her heirs and successors, the patronages of any vicarage belonging to any of the aforesaid parsonages and rectories impropriate, but that her highness, her heirs and successors shall continue and remain patron and patrons of the said vicarages, in manner and form, as if this act had never been had nor made: any thing before mentioned to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, that if it happen any of the said rectories and parsonages impropriate, whereof there is no vicar, or that hath vicarages endowed, and the patronage of the same appertaineth unto the queen's majesty, her heirs and successors to be hereafter disappropriate and made presentable, or otherwise employed as is aforesaid; that then her highness her heirs and successors, shall by virtue of this act be judged and deemed very and undoubted patrons of every such rectory and parsonage disappropriated and made presentable, this act or any other law, use or custom to the contrary in any wise notwithstanding.

XVI. And be it further enacted by the authority of this present parliament, that if it fortune any of the said rectories and parsonages impropriate, the patronages of the vicarage whereof doth or shall appertain unto any person or persons, bodies politic and corporate, other than to our said sovereign lady the queen, her heirs and successors, to be hereafter disappropriated and made presentable: that then in every such case, the said person and persons, bodies politic and corporate, the which then shall be patrons of the said vicarages, shall be patrons of the said parsonages so disappropriated, in like estate, degree, and condition, as they were of the patronage of the vicarage before the said disappropriation of the said rectory or rectories impropriated: any thing in this act, or any law or custom to the contrary notwithstanding.

If a parsonage be disappropriated, the patron of the vicarage, shall be patron thereof.

XVII. Provided also, and be it enacted by the authority aforesaid, that when, and as often as any person or persons, to whom the said pensions, annuities, corrodiess or fees aforesaid, or any of them do belong, shall be paid thereof, by the authority of this act, or otherwise satisfied by any order that shall be taken upon the same, by any other than the queen's majesty, her heirs and successors: that then such person or persons, or any of them so paid or otherwise satisfied, shall not demand the same again of the king or queen's majesties, her heirs or successors, nor shall be double paid of the same; the provision and order of payment thereof before specified, or any other thing herein contained to the contrary notwithstanding.

Pensions, &c. being paid, according to this act, shall not be demanded of the crown.

XVIII. Provided also, and be it further enacted by the authority aforesaid, that if it fortune the said lord legate to decease before such time as the contents of this act, limited and appointed to his grace to be done, be fully accomplished and executed, that then it shall be lawful unto the archbishops of *Canterbury* and *York*, for the time being, and to the eldest bishop of this realm by consecration, and in the time of the vacation of the said archbishoprics, or of either of them, then to the dean and chapter of the sees, or see so void, during the said time of vacation, and to the said eldest bishop, for the time being, to do, execute and accomplish all and every thing and things touching the order and disposition of the premises, as the said most reverend father the lord legate shall in his life-time limit, assign and prescribe unto them, and as his grace should or might have done. And that the said archbishops and bishops, or the said deans and chapters in the time of vacation, and the said eldest bishop, as is aforesaid, shall from time to time after the decease of the said lord legate, have full power and authority by virtue of this act, to do and execute all and every thing and things touching the order and disposition of the said premises, accordingly as it shall be prescribed unto them by the said lord legate, and as the said lord legate's grace should or might have done if he had lived, any thing before mentioned to the contrary notwithstanding.

In case of the lord legate's death, the archbishops of *Canterbury* and *York*, with the eldest bishop, shall execute the premises.

XIX. And whereas divers and sundry of the said rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual, have been heretofore demised and granted to sundry persons for term of life, lives or years, as well by divers and sundry late abbots, priors, master of hospitals and colleges, and other

Several impropriations, &c. being let jointly with manors, and one entire rent reserved for both,

so as the severing of the lands, and apportioning of the rent may cause controversies,

commissions shall be awarded to six persons; three of the spirituality, and three of the temporality,

religious and spiritual persons and governors, before the dissolution of their several houses and places, as since by the said late king *Henry* the eighth, king *Edward* the sixth, and by our sovereign lord and lady the king and queen's majesties, or by any of them; and in and by the said leases and grants, there is also comprehended and demised together with the said premises, or with some part of the same, divers and sundry manors, lands, tenements and other hereditaments, and upon some of the said leases and grants, is one whole entire and yearly rent reserved for the said spiritual possessions, and for the said other manors, lands, tenements and hereditaments, therewith also granted and letten, as by the said several leases and grants it may appear, or be duly proved. And where also divers of the said rectories, parsonages, benefices impropriate and other the spiritual possessions aforesaid, have been heretofore, of so long continuance and time, demised letten and occupied together with manors, lands, tenements, and other hereditaments, and so jointly occupied and used, that it is to be doubted that some ambiguity, question and controversy may hereafter rise and grow, as well for the division and severance of the glebe lands, and other possessions of divers of the said rectories and parsonages, from other the said manors, lands, tenements, and hereditaments, which have been joined with the same in lease, and occupation, as for the apportioning and rating of the said whole and entire yearly rents reserved upon such leases as is aforesaid: for the avoiding of which ambiguities, questions, and controversies, and to the intent a good indifferent rate and apportionment of the said entire rent may be made according to the quantity of the said spiritual possessions so letten, and that the glebe lands of the said rectories and parsonages, and other the said spiritual possessions so letten, with other the lands and possessions as is aforesaid, may hereafter be known, divided, and used in severalty from the other temporal possessions, wherewith they be letten, so that such spiritual persons as shall be incumbents, or owners of the said spiritual possessions, may have, enjoy, and receive the same, and other profits and rents thereof in severalty, from the other temporal possessions aforesaid, without any interruption or question, according to the king and queen's majesties' most godly intent and meaning: be it therefore enacted by the authority of this present parliament, that in all cases where the said rectories, glebe lands, and spiritual possessions, or any part thereof, is let, demised or granted with any of the said manors, lands, tenements or hereditaments temporal, under one rent undivided, or where the said glebe lands and spiritual possessions are not certainly known, divided or severed from the other temporal possessions therewithal also letten, granted, and occupied, several commissions shall be from time to time awarded out of the court of the exchequer to six indifferent persons, whereof three to be of the spirituality, and three to be of the temporality, giving them authority by virtue of the same, to call before them twelve good and indifferent men, inhabiting within the county, whereof every of them shall have lands, tenements, or hereditaments of estate of freehold, to the yearly value of five pounds at the least, where the said rectories, glebe lands and spiritual possessions do lie, and the same twelve upon

their oaths, shall indifferently divide and sever by sufficient metes and bounds, the said glebe lands of the said rectories, and other spiritual possessions from the other lands and possessions with the same letten; and to rate and apportion how much yearly rent shall be yearly paid for the said rectories and other spiritual possessions so letten, and how much yearly rent shall be paid for the said manors, lands, tenements or other temporal hereditaments therewithal letten and granted, as the same twelve shall upon their oaths and consciences think and judge to be according to the quantity and value of the things so letten and granted: and the rating, division and apportioning of the said entire rent, and the severance and division as well of the said glebe lands and spiritual possessions from the other manors, lands, tenements and hereditaments temporal, as also of the said manors, lands, tenements and hereditaments temporal, from the said glebe lands and spiritual possessions, being certified under their seals, and the seals of the said commissioners into the said court of exchequer, shall be as good and effectual in the law, as if the said rate or apportionment of the said rent, or the division and severance of the said manors, lands, tenements and hereditaments, had been made and done by the authority of this present parliament, any law, use or custom to the contrary notwithstanding.

who shall cause twelve men, upon their oaths, to sever the lands, and apportion the rents;

and certificates thereof being made into the exchequer, the rate shall be as good, as if made in parliament.

1 ELIZABETH, CAP. 1, SECS. 5 & 7.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See 'Title—“APPEALS TO THE SEE OF ROME,” vol i. p. 145.

1 ELIZABETH, CAP. 4.—*An act for the restitution of the first fruits to the crown.*—In their most humble wise beseech your most excellent majesty, your faithful and humble subjects the lords spiritual and temporal, and the commons of this your realm, in this present parliament assembled, that where in the parliament of your most noble father of famous memory, king *Henry* the eighth, holden at *Westminster* upon prorogation the third day of *November* in the six and twentieth year of his prosperous reign, it was enacted, ordained and established by the authority of the same parliament, amongst other things, that his highness, his heirs and successors, kings of this realm, should have and enjoy from time to time, to endure for ever, of every such person and persons, which at any time after the first day of *January* then next ensuing should be nominated, elected, prefected, presented, collated, or by any other means appointed to have any archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the king's dominions, of what name, nature or quality soever they were, or to whose foundation, patronage or gift soever they did belong, the first fruits, revenues and profits for one year of every such archbishopric, bishopric, abbacy, monastery, priory, college, hospital, archdeaconry, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual aforementioned, whereunto any such person or persons should after the said first day of *January* be nominated, elected, prefected, presented, collated or by any other means appointed:

A rehearsal of the stat. of 26 H. 8, c. 3, touching first fruits and tenths given to the king.

The first fruits.

and that every such person and persons, before any actual or real possession, or meddling with the profits of any such archbishopric, bishopric, abbacy, monastery, college, hospital, deanery, provostship, prebend, parsonage, vicarage, chantry, free chapel, priory or other dignity, benefice, office or promotion spiritual, should satisfy, content and pay, or compound, or agree to pay to the king's use at reasonable days, upon good sureties, the said first fruits and profits for one year:

II. And it was further enacted by the authority aforesaid, that the first fruits of benefices, before that time accustomed to be paid to the bishop of *Norwich* within his diocese, and to the archdeacon of *Richmond* within his archdeaconry, or any other person or persons within this realm, or any other the king's dominions, should from the said first day of *January* cease and be extinct; and no longer be paid, but only to the king's highness, his heirs and successors, in such form as is before mentioned.

The tenths.

III. And further it was enacted by the authority aforesaid, that the king's majesty, his heirs and successors, for more augmentation and maintenance of the royal estate of his imperial crown, should yearly have, take, enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, appertaining or belonging, or that from thenceforth should belong to any archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality soever they were, within any diocese of this realm, or in *Wales*; the said pension or annual rent to be yearly paid for ever, to the said late king, his heirs and successors, at the feast of the *Nativity* of our Lord God, and the first payment thereof to begin at the feast of the *Nativity* of our Lord God, which should be in the year of our Lord God one thousand five hundred and thirty-five, and to be paid yearly by such as should be appointed to have the collection thereof, before the first day of *April* next following after the said feast of the *Nativity* of our Lord God, as in the said act more plainly it doth appear.

26 H. 8, c. 17.

IV. And where also one other act was made and established in the said parliament the said twenty-sixth year, that no farmer of spiritual persons should be compelled or charged to pay for their lessor's first fruits or yearly pension for the tenth granted unto the king's highness, notwithstanding any covenant, contract, bond or other thing made to the contrary, as by the same act more plainly appeareth.

27 H. 8, c. 8.

V. And where also at one other session of the same parliament, holden by prorogation at *Westminster* in the twenty-seventh year of the reign of your said father, one other act was made and established, that the king's spiritual subjects should be deducted and allowed of the tenth of their spiritual promotions for that year for which they should pay the first fruits, as in the said act also more at large appeareth.

VI. And where also in one other parliament of the said late king, ^{28 H. 8, c. 11.} holden at *Westminster* in the twenty-eighth year of his reign, amongst other things, it was enacted and ordained, that the year in which the first fruits of every benefice and spiritual promotion should be paid, should begin and be accounted immediately after the avoidance thereof: and that the tithes, commodities, revenues, casualties and profits thereof (chantries only excepted) in the time of vacation, should belong and affere to the next incumbent, towards the payment of the first fruits; as by the same act more at large appeareth.

VII. And where also in one other parliament holden upon pro- ^{32 H. 8, c. 22.} rogation at *Westminster* in the thirty-second year of the reign of the said late king, one act was made and established, that bishops upon their accounts of and for the said yearly tenth should be discharged by their oaths, of payment of such sum or sums of money of the said annual rent or tenth, as they could not lawfully levy: and also an order appointed how the king should be answered of the tenth of any benefice and spiritual promotion, omitted in the original or former certificate of benefices and spiritual promotions made in the exchequer; as by the same act last mentioned more at large appeareth.

VIII. And where also in the same session and parliament holden ^{32 H. 8, c. 45.} in the said thirty-second year of the reign of your highness' said noble father, and by authority of the same parliament, one court was erected, established and made, for the better answering of the said first fruits and tenths unto the king, called *the court of first fruits and tenths*; as in the same act of erection thereof more fully appeareth.

IX. And where also in the same session and parliament one other ^{32 H. 8, c. 47.} act was made, whereby the bishop of *Norwich* for the time being (being before that discharged from the collection of the tenth within his diocese) should be charged and chargeable for ever, for and with the collection of the same tenth within his diocese, and make payment thereof, as other bishops should or ought to do within their dioceses; as by the same act more plainly appeareth.

X. And where also in one other parliament of the said late king, ^{34 & 35 H. 8, c. 1.} holden at *Westminster* upon prorogation in the thirty-fourth year of his reign, one act was established and made concerning collectors and receivers, to make payment of their receipts within three months next after the same should be due and paid to the king's use, under certain penalties therein expressed; as by the same act more at large appeareth.

XI. And where also in the same session and parliament it was ^{34 & 35 H. 8, c. 17.} enacted and established, that the new erected bishops of *Chester*, *Gloucester*, *Peterborough*, *Bristol*, *Oxford*, and their successors for ever, should pay their tenths reserved upon their letters patents on their several erections, only in the said court of the first fruits and tenths for ever; as by the same act more at large appeareth.

XII. And where also in the parliament of the said late king ^{37 H. 8, c. 21.} holden at *Westminster* in the thirty-seventh year of his reign, one act intituled, *an act for the union of churches not exceeding the value of six pound*, was established and made, wherein is contained a saving to the king of the first fruits and tenths of all churches and

chapels not exceeding the value of six pound, that then were or from thenceforth should be united and consolidated in one ; as in the same act and saving more largely appeareth

2 & 3 Ed. 6,
c. 20.

XIII. And where also in the parliament of your highness' dearest brother of worthy memory, king *Edward* the sixth, holden at *Westminster* upon prorogation in the second year of his reign, one act was made, that by the certificate of the bishop of any diocese within this realm, or any of the dominions of the same, of recusance or non-payment of any tenth of any benefice or spiritual promotion, the incumbent should lose but that benefice or promotion only ; as by the same act more plainly appeareth.

7 Ed. 6, c. 4.

XIV. And where also in one other parliament of the said late king *Edward*, holden at *Westminster* in the seventh year of his reign, one act was made and established, declaring how and in what sort the under collectors of the tenth in every diocese, appointed by the bishop, should be bound to discharge the bishops of that collection, and a longer day given for the payment of the tenth : and how the king should be answered of the tenth for the time of vacation of every benefice and spiritual promotion, and that the patents of the collection of tenths should be good only during the incumbency of the grantors ; as in the same act more at large is contained.

1 M. sess. 2,
c. 10.

XV. And where also in the second session of parliament of our late sovereign lady queen *Mary*, your majesty's dearest sister, holden at *Westminster* in the first year of her reign, one act was made and established, whereby full power and authority was given and appointed unto her highness, at her will and pleasure to alter, change, unite, transpose, dissolve or determine, as well the said court of first fruits and tenths, as the court of augmentations of the revenues of the king's crown, and other courts therein expressed, and to reduce the same courts, or any of them, into one, two, or more court or courts, or to unite and annex the said courts or any two or more of them together, or to any other of her majesty's courts of record, as to her it should be thought most convenient and best ; for the better, sure and more speedy answering of her yearly revenues, casualties, and profits, then answerable in the said courts, or any of them, as in the same act more at large is expressed : by vigour and authority of which act, the said late queen by her grace's four several letters patents, whereof two bear date the three and twentieth day of *January* in the first year of her reign, and the other two, the four and twentieth of *January* in the same year, did not only dissolve, determine and extinguish the said courts, commonly called and intituled, *the court of the augmentations of the revenues of the king's crown*, and *the court of the first fruits and tenths*, and the jurisdiction and authority thereof ; but also did unite, transpose and annex the said courts of augmentations of the revenues of the king's crown, and of the first fruits and tenths so dissolved, to the court of the exchequer, there to be and continue as a member and parcel of the same court of the exchequer ; and did appoint all and singular the revenues, casualties, profits and hereditaments then answerable in the said courts, to the order, rule, survey and governance of the said court of the exchequer, there to be answered and accounted for ever, in such order, manner and form, as in the said letters patents, and

Queen Mary dissolved the courts of first fruits and augmentations ;

and annexed them to the exchequer.

in two schedules unto the said letters patents annexed, is mentioned and declared, as by the tenor and purport of the said letters patents and schedules signed with her highness' hand, more plainly may appear.

XVI. By reason of all which said premises, not only the said 26 H. 8, c. 3. perpetual revenues of the first fruits and tenths granted by the said act in the twenty-sixth year of the reign of your highness' most noble father, in augmentation and maintenance of the crown of this realm, but also the tenths and yearly rents reserved *nomine decimæ*, by any letters patents of your said noble father, sithence the said six and twentieth year of his reign, and of your said dearest brother and sister, or of any of them, made to any bishop and his successors, or to any cathedral church, dean and chapter, college or any other ecclesiastical and spiritual person or persons, or corporations, and their successors for ever; and also all and every the rents, revenues, issues and profits of all and singular rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual to the same belonging, being in the hands and possession of your said dearest sister, at the said four and twentieth day of *January*, were ordered, answerable and accounted for in the said court of the exchequer, and were therein well and justly answered and paid unto her highness' use and behoof, like as the same had been unto the said two noble kings her said father and brother by the space of twenty years, without grief or contradiction of the prelates and clergy of the realm, to the great aid, relief and supportation of the inestimable charges of the crown of this realm, which daily since the time of the making of the said first act have increased and grown more and more.

XVII. Which thing, although the said late queen might and did manifestly feel and perceive to be most true, yet she upon certain zealous and inconvenient respects, not sufficiently nor politicly enough weighing that matter, nor having due consideration and regard to the maintenance and upholding, and good continuance of the estate of the imperial crown of this realm in succession, which rather needed an augmentation, than any diminution, procured and willed an act of parliament to be made and provided in the second and third years of the reign of king *Philip* her late husband and her, that all payments of the said first fruits should from thenceforth cease and be clearly extinct and determined for ever: and that as well all the said benefices and spiritual promotions, as the possessors, owners and incumbents thereof, and their successors, should from and after the eighth day of *August* in the said second and third years, and so from thenceforth at all times for ever, be clearly exonerate, acquitted and discharged against the said late king *Philip* and queen *Mary*, her heirs and successors, of and from the payment and payments of all and every the said first fruits, in as ample and large manner and form, as they were before the making of the said act of the first and original grant thereof, in the said six and twentieth year of the reign of the said late king your noble father, and as though the same had never been had nor made.

Queen Mary's zealous but not politic respect.

By the stat. made 2 & 3 P. & M. c. 4, the payment of first fruits and tenths ceased.

26 H. 8, c. 3.

XVIII. And further, that neither the said perpetual pension, annual rent or tenth, granted by the said first act of the six and

twentieth year of the said noble king *Henry*, nor also the said several annual rents or tenths reserved *nomine decimæ* by and upon the said several letters patents of the said late king and queen, made to spiritual persons and corporations, as is aforesaid, or any of them, from and after the feast of *Saint Michael* the archangel then last past, should any more be paid or payable unto the said late king *Philip* and queen *Mary*, her heirs or successors; but that as well all the said archbishoprics, bishoprics, and other benefices, dignities, deans and chapters, colleges, corporations and spiritual promotions aforesaid, as also the possessors, owners, proprietaries and incumbents of the same, and their successors, from and after the said feast of *Saint Michael* the archangel, should be clearly exonerate, acquitted and discharged of and from the payment thereof, against them and the heirs and successors of the same late queen for ever.

XIX. And furthermore, that the said late king *Philip* and queen *Mary*, her heirs and successors, from and after the said feast of *Saint Michael* the archangel, should not receive, perceive, take and enjoy any the issues, revenues, profits or commodities of the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual aforesaid, or of any of them, or of the reversion or reversions of them or any of them: but in and by the said act the same late king and queen clearly gave over, renounced and relinquished, as well the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual aforesaid and every of them, and the reversion and reversions of them and every of them, and all their right, title, use, interest and demand of, in or to the same, from them and the heirs and successors of the said late queen for ever, as also the said perpetual pension, annual rent and tenth, and also the said yearly rents reserved *nomine decimæ* upon the said several letters patents, and all their right, title and interest which they or either of them, or the heirs and successors of the said late queen, had or might have had in or to the same.

XX. The same yearly pension, tenths, yearly rents, parsonages, emoluments and profits to be perceived, taken, received, counted, employed, used and disposed by the late reverend father in God *Reginald Pool*, late cardinal and legate, and such other persons as he should name and appoint, and such other as were specially limited in the said act, to and for certain uses, purposes and intents mentioned in the same act, with divers provisions and a saving in the same expressed and contained, as by the same more at large appeareth.

XXI. We your said humble and obedient subjects, the lords spiritual and temporal and commons in this your present parliament assembled, calling to our remembrance the huge innumerable and inestimable charges of the royal estate and imperial crown of this realm, and how the same is left unto your majesty at this your first entry thereunto, greatly diminished, as well by reason of the said act made in the said second and third years of the said king *Philip* and queen *Mary*, as otherwise, do conceive at the bottom of our hearts great sorrow and heaviness, as subjects careful for their natural and liege sovereign lady, upon whom dependeth the surety,

worldly joy and wealth of us all; and being no less affected towards your majesty's most royal person, and the preservation and maintenance of the same, and of the estate and succession of your majesty's said crown, than were the first grantors of the said first fruits and tenths towards your highness' most noble father, and his said royal estate, at the time of their said grant thereof to him made, do account of very right and good congruence no less than our most bounden duty, to move your highness, and therewith do most humbly beseech the same, that the great disherison and decay committed and done to the crown, and estate royal of this your realm, and the succession thereof, by reason of the said act made in the said second and third years of the reign of the said king *Philip* and queen *Mary*, may at this present parliament be reformed and avoided, and that with your highness' favor and royal assent, it may be enacted, ordained, established and provided by authority of this parliament, in manner and form hereafter ensuing:

XXII. That is to say, that the said act made in the second and third years of the reign of the said late king *Philip* and queen *Mary*, and all articles, clauses and sentences therein contained, shall be from and after the first day of this present parliament utterly and clearly repealed, made void, and of no force nor effect; and all authorities and liberties granted, limited and appointed in and by the said act to the said late cardinal *Pool*, or made or derived, by force, strength or color of the same act, by or from the said late cardinal, to any other person or persons, bodies politic or corporate, to cease and be utterly void and determined: and that the said first fruits, and all payments thereof, from and after the said first day of this parliament shall be revived, and have their being and continuance again, and be deemed and adjudged to all intents, constructions and purposes, in the queen's highness' most royal person, her heirs and successors, and united and annexed to the imperial crown of this realm, of and in such like and the same estate, interest, title, quality, sort, degree and condition, and in as ample and beneficial manner and form, as the same was or were in the person and possession of the said late queen *Mary*, at and before the said eighth day of *August* in the said act of extinguishment, mentioned and expressed; the same act of extinguishment, or any letters patents, or any other matter or thing had, done or suffered by the said late queen to the contrary thereof in anywise notwithstanding.

XXIII. And also that as well so much of the said perpetual and annual tenth and pension granted by the said act made in the said twenty-sixth year of the reign of the said late king *Henry* the eighth, as also so much of the said yearly rents reserved upon the said several letters patents *nomine decimæ*; and also so many of the said rectories, parsonages and benefices inappropriate, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments, ecclesiastical and spiritual aforesaid, and the reversion and reversions thereof, and all rents, emoluments and profits incident to the same, as were in the hands and possession of the said late queen *Mary*, at and before the said eighth day of *August*, shall from the feast of *Saint Michael* the archangel last past be vested, adjudged and deemed, actually and really in the seizin and possession of our said sovereign

A repeal of
the stat. 2 & 3
P. & M. c. 4.

The first
fruits re-
vived.

The tenths
revived and
rents reserv-
ed upon pa-
tents and
promotions
ecclesiastical
26 H. 8, c. 3.

lady queen *Elizabeth*, her heirs and successors, to all intents, constructions and purposes, of and in such like and the same estate, interest, order, degree, quality, sort and condition, and as fully, wholly, largely and beneficially, as the same were in the seizin and possession of the said late queen *Mary*, at and before the same eighth day of *August*: and that as well the said first fruits and tenths, and the order thereof, as also the said annual rents reserved *nomine decimæ*, and the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments, ecclesiastical and spiritual aforesaid, and every of them, and the reversion and reversions of them, and of all rents and profits unto the same or any of them incident or belonging, shall be within the said order, survey, rule and governance of the said court of the exchequer, in every degree, sort and condition, as they were at and before the said eighth day of *August*: the said act made in the said second and third years, or any other matter or thing, to the contrary thereof notwithstanding.

The before
rehearsed st.
revived.

XXIV. And that so much of all and every the said acts and statutes first recited, or of any other act or statute touching or concerning the order, levying, true answering and payment, or qualification of the said first fruits and tenths, and of the said rectories, parsonages and benefices impropriate, and of the rents, revenues, emoluments and profits thereof, and of all other the premises, and also the charge, discharge or alteration of them or any of them, or any matter or thing in any wise sounding or tending thereunto, which were standing and being in force, effect and unrepealed, at and before the said eighth day of *August* (except only the said acts of the erections of the courts of augmentations, and first fruits and tenths) shall be, remain and continue in their full and perfect strengths and forces, and be observed and put in due execution, according to the tenors and purports of the same and every of them.

The queen
shall have
theadvowson
of vicarages
belonging to
rectories, &c.

XXV. And that the queen's majesty, her heirs and successors, by authority of this present parliament, shall from the said first day of this present parliament have, hold, possess and enjoy for ever, the advowsons, gifts and patronages of all vicarages belonging or incident to any of the said rectories and parsonages impropriate, in the same sort, quality, condition and degree, to all intents and purposes, as the same were in the person and possession of the said late queen *Mary*, at and before the said eighth day of *August*; any thing or act done by the same late cardinal, or any grant or grants by letters patents made by the said late queen *Mary*, of the said advowsons and patronages or any of them, to any ecclesiastical or spiritual person or persons, or any spiritual corporation, to the contrary in anywise notwithstanding:

A saving of
the right of
others.

XXVI. Saving to all and every person and persons, bodies politic and corporate, and their heirs, executors, successors and assigns and every of them (other than such persons as be mentioned and named in any letters patents made by the said queen *Mary* the said eighth day of *August*, or at any time sithence, or claiming only by or under the authority and strength of the same act or letters patents or any of them) all such right, title, interest, estate, offices, leases, grants, annuities, pensions, fees, corrodiess, rents and other yearly profits

and commodities, as they or any of them ought or should have had, perceived or enjoyed, of, in or by reason of any the parsonages, rectories, or of any other the premises, in case the said former act now repealed, and this present act of repeal, had never been had nor made; any thing in the same acts or either of them contained or sounding to the contrary thereof in anywise notwithstanding.

XXVII. And be it further enacted by the authority aforesaid, that from and after the said feast of *Saint Michael* the archangel last past, and so from thenceforth from time to time, the said pensions, annuities, rents, corrodies, fees and other yearly payments, shall be paid and payable only by our said sovereign lady, her heirs and successors, at the receipt of the exchequer, or in such other places, as the queen's majesty, her heirs and successors shall appoint, to all and every person and persons that ought to have and enjoy the same, in such sort, order and form, as the same should or ought to have been paid and payable, in case the said act now repealed had never been had nor made; any thing therein, or else in this act contained to the contrary thereof, in anywise notwithstanding.

How pensions shall be paid.

XXVIII. And be it further enacted by authority aforesaid, that all and singular incumbents, proprietaries, tenants, farmers, lessees and occupiers of the premises or any part thereof, their heirs, executors and assigns, which the said first day of this present parliament were behind, or in any arrearages of and with the rents, farms, tenths or other revenues, profits or duties, by them or any of them due and payable, for or by reason of the premises, or any of them, shall and may be by the authority of this act severally chargeable, accountable and answerable to the queen's majesty, her heirs and successors, in and at the said court of the exchequer, of and for the same arrearages and duties as other accomptants be and shall be in the same court; any thing in the said act now repealed, in this act, or any other matter or cause to the contrary thereof, in anywise notwithstanding.

They that were in arrearages for rents, &c. shall pay the same to the queen.

2 & 3 P. & M. c. 4.

XXIX. And yet nevertheless the queen's most excellent majesty, at the humble request of her said subjects, of her abundant grace and bountifulness, is pleased and contented that it be enacted by the authority aforesaid, that all and singular vicarages not exceeding the yearly value of ten pounds, after the rate and value upon the records and books of the rates and values for the first fruits and tenths now remaining in the exchequer, or that shall hereafter come and remain in the same court; and also all and singular parsonages not exceeding the yearly value of ten marks, after the like rate and valuation, and the incumbents thereof and every of them, their executors, administrators, successors and sureties and every of them, from the said feast of *Saint Michael* the archangel last past, shall be free and clearly discharged and acquitted for ever against the queen's majesty, her heirs and successors, of and from the said first fruits; any thing in the said act of first fruits and tenths, made in the said six and twentieth year of the reign of the said late king *Henry* the eighth, or in this act of repeal, or any other act or acts before recited, to the contrary thereof in anywise notwithstanding.

Vicarages not exceeding £10 shall pay no first fruits.

Parsonages not exceeding ten marks shall pay no first fruits.

26 H. 8, c. 3.

XXX. Provided always, and be it enacted by the authority aforesaid, that if any incumbent of any such promotion spiritual as is

The charge of the incumbent

which liveth
half a year
after the
avoidance.

aforesaid, charged or chargeable to the payment of the said first fruits, happen to live to the end of one half year next after the last avoidance of the same promotion spiritual, so as he hath received, or without fraud or covin might lawfully have received or enjoyed, the rents or profits of that half year, and before the end of the other half year then next following shall happen to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin, that then every such incumbent, his heirs, executors, administrators and sureties, shall be charged and chargeable but only with the fourth part of the first fruits due to be paid for such his promotion, and with no more of the said first fruits; any thing in this act contained, or any bond or writing to be made for the payment of the said first fruits, or any other matter or cause to the contrary notwithstanding.

His charge
which liveth
a whole year,
&c.

XXXI. And if it shall happen any such incumbent to live by the space of one whole year next after the last avoidance of the same spiritual promotion, and after before the end of one half year then next following shall fortune to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin; that then every such incumbent, his heirs, executors, administrators and sureties shall be charged and chargeable but only with the moiety and one half of the first fruits due to be paid for such his promotion spiritual, and with no more of the same first fruits; any thing in this act contained, or any bond or writing obligatory to be made for the payment of the same first fruits, or any other matter or cause to the contrary notwithstanding.

The charge
of him which
liveth a year
and a half,
&c.

XXXII. And if it shall happen any such incumbent to live to the end of one whole year and an half next after the last avoidance of such promotion spiritual, and after and before the end of six months then next following shall fortune to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin; that then every such incumbent, his heirs, executors, administrators and sureties, shall be charged and chargeable but only with three parts of the first fruits of the said promotion spiritual, in four parts to be divided, and with no more; any thing in this act contained, or any bond or writing obligatory had or made for the payment of the said first fruits, or any other matter or cause to the contrary notwithstanding.

The charge
of him which
liveth two
whole years
after, &c.

XXXIII. And if it shall happen any such incumbent to live till the end of two whole years next after the last avoidance of the same his promotion spiritual, and not to be lawfully evicted, removed, or put from the same promotion spiritual as is aforesaid, that then such incumbent, his heirs, executors, administrators and sureties, shall content and pay to our said sovereign lady the queen, her heirs and successors, the whole first fruits due to be paid for the same promotion spiritual, according to the statute aforesaid.

Grants made
to the uni-
versities or
the colleges
in them, and
to Eton and
Winchester
colleges.

XXXIV. Provided also, and be it enacted, that all grants, immunities and liberties given to the universities of *Cambridge* and *Oxford*, or to any college or hall in either of the said universities, and to the colleges of *Eaton* and *Winchester*, and unto every or any of them, by our late sovereign lord king *Henry* the eighth, or any other of the

queen's highness' progenitors or predecessors, or by act of parliament, for or touching the release or discharge of the said first fruits and tenths, or any part thereof, shall be always and remain in their full strength and virtue: and that all such lawful conveyances and assurances in the law as were had or made before the making of this act, to either of the said universities of *Oxford* or *Cambridge*, or to any college or hall within any of them, by what name or names soever they or any of them be incorporated or named, of any of the said patronages or benefices impropriate, or of any part of the same, or of any patronages, for the maintenance of students or learning, shall be as good and effectual in the law to all intents, constructions and purposes, as though this act had never been made.

XXXV. And be it further enacted by the authority aforesaid, that the dean and canons of the free chapel of *Saint George* the martyr, within the castle of *Windsor*, and all the possessions and hereditaments of the same free chapel, deanery and canons, by whatsoever name or names they be incorporated or known, shall be exonerated, and shall stand for ever discharged of the tenths and first fruits before mentioned; any thing in this act, or any other act or statute before mentioned, to the contrary thereof in anywise notwithstanding.

The chapel
of St. George
in Windsor.

XXXVI. Provided also, and be it enacted, that all leases made before the twentieth day of *December* last past, for twenty-one years, or three lives at the most, by any person or persons, bodies politic or corporate, being lawfully seized of or in any of the said parsonages impropriate, or of or in any other the premises, wont commonly to be let or set to farm, then being out of lease, or whereof there was not, at the time of the making of the said lease or leases, any former lease to endure above one year then to come at the most, and upon which new lease or leases the old yearly rent accustomedly wont to be paid for the same, by the space of twenty years last past before the making of such lease or leases, or more yearly rent is reserved and payable during the said term; and all other lawful grants by them or any of them heretofore made of any office or offices in old time wont commonly to be granted; and all gifts and grants of any parsonage or parsonages impropriate, heretofore belonging to the archdeaconry of *Wells* in the county of *Somerset*, or to the incumbent of the same office or dignity, or to the incumbent of the same lately given and restored, shall be as good and effectual in the law, as though this act, or any thing contained therein, had not been had or made.

Leases for
years, or
three lives.
Cro. El. 207.
430, 690.

Grants of of-
fices wont to
be granted.

XXXVII. And be it further enacted by the authority aforesaid, that the said archdeaconry, and all rectories and spiritual promotions given, assigned, limited or appointed to the same, and all and every incumbent and incumbents which hereafter shall be presented, collated, preferred and admitted unto the said archdeaconry, and the rectories and spiritual promotions thereunto limited and appointed, or appertaining and belonging, shall stand, remain, and be charged and chargeable with the payment of the first fruits and tenths for the same to the queen's highness, her heirs and successors, in such like manner and form as other spiritual promotions, and the incumbents on the same, be and shall be charged and chargeable by this act, or by any other act or statute before specified.

The archdea-
con of Wells
charged with
payment of
first fruits,

The benefices, &c. which were within the order of the duchy court shall so continue.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, that so many of the said rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions, and other profits and emoluments ecclesiastical and spiritual, and every of them, and the reversion and reversions of them, and all rents and profits unto the same or any of them incident or belonging, as were at and before the said eighth day of *August* in the hands and possessions of the said late queen *Mary*, and within the survey, rule and order of the court of the duchy of *Lancaster*, shall be again within the order, survey, rule and government of the said court, in such and the same manner and form to all intents and purposes, as they were at and before the said eighth day of *August* in the said second and third years of the reign of the said late king and queen; any thing in this act, or in the said act of the same late king and queen, to the contrary thereof in anywise notwithstanding.

They which be presented to a benefice shall compound for their first fruits before the feast of Saint John Baptist.

XXXIX. Provided always, and be it further enacted by the authority of this parliament, that no person or persons presented, instituted or inducted, at any time sithence the first day of this present parliament, or that shall be presented, instituted or inducted, on this side of the feast of the nativity of *Saint John Baptist* next coming, to any the said spiritual or ecclesiastical promotions chargeable to or with the payment of the first fruits, or one year's profits of such promotion, shall incur any penalty or forfeiture by entering into the said spiritual or ecclesiastical promotions, or by taking the profits thereof, for the non-payment or not compounding of or for the first fruits thereof, so that he or any other for him, shall or do compound for the same first fruits, according to the true meaning of the statute, before the said feast of the nativity of *Saint John Baptist*; any thing in this act contained to the contrary notwithstanding.

Therevenues of hospitals and schools.
2 Anne, c. 11.
5 Anne, c. 24.
6 Anne, c. 27.
1 Geo. 1, c. 10.
1 Geo. 1, c. 10.

XL. Provided also, that this act, nor any thing therein contained, shall not in anywise extend to charge any hospital founded and used, and the possessions thereof employed, to and for the relief of poor people, or any school or schools, or the possessions or revenues of them or any of them, with the payment of any tenths or first fruits; any thing in this act before mentioned to the contrary in anywise notwithstanding.

2 & 3 ANNE, CAP. 11.—*An act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 189.

5 ANNE, CAP. 24.—*An act for discharging small livings from their first fruits and tenths, and all arrears thereof.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 192.

6 ANNE, CAP. 27.—*An act to enlarge the time for returning the certificates of all ecclesiastical livings, not exceeding the yearly value of fifty pounds; as also for discharging all livings of that value from the payment of first fruits; and for allowing time to archbishops and bishops, and other dignitaries, for the payment of their first fruits.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 194.

1 GEORGE 1, STAT. 2, CAP. 10.—*An act for making more effectual her late majesty's gracious intentions for augmenting the maintenance of the poor clergy.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 196.

3 GEORGE 1, CAP. 10, SEC. 4.—*An act for the better collecting and levying the revenue of the tenths for the clergy.*—See Title—"TENTHS."

43 GEORGE 3, CAP. 107.—*An act for effectuating certain parts of an act, passed in the second and third years of the reign of her late majesty queen Anne, intituled, an act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant, in perpetuity, the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose, so far as the same relate to deeds and wills made for granting and bequeathing lands, tenements, hereditaments, goods, and chattels, to the governors of the bounty of queen Anne, for the purposes in the said act mentioned; and for enlarging the powers of the said governors.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 205.

36 GEORGE 3, CAP. 83, SEC. 3.—*An act for the further support and maintenance of curates within the church of England, and for making certain regulations respecting the appointment of such curates, and the admission of persons to cures augmented by queen Anne's bounty, with respect to the avoidance of other benefices.*—See Title—"CURATES STIPENDIARY, ENGLAND," vol. ii. p. 409.

1 VICTORIA, CAP. 20.—*An act for the consolidation of the offices of first fruits, tenths, and queen Anne's bounty.*—Whereas her most gracious majesty queen Anne, in her royal bounty to the poor clergy of the church of England, and pursuant to and by virtue of an act of parliament made in the second year of her said majesty's ^{2 Anne, c. 11.} reign, intituled, *an act for making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling other persons to make grants for the same purpose*, did, in and by her letters patent under the great seal of England, bearing date the third day of November in the third year of her said majesty's reign, make, nominate, constitute, and appoint the persons therein named to be one body politic and corporate by the name of "The governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy," with such powers and authorities as are therein mentioned and expressed; and did in and by the said letters patent give and grant unto the said governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, and their successors, all the revenues of the first fruits and yearly perpetual tenths of all dignities, offices, benefices, and promotions spiritual whatsoever payable to her said majesty, her heirs and successors, by virtue of any act or acts of parliament whatsoever, and all arrears of the said first fruits and tenths (except as therein is excepted), to be applied and disposed of by the said governors thereby constituted to and for such ends, intents, and purposes as in and by the said letters patent are contained and directed: and whereas by virtue of an act of parliament made and passed in the first year of the reign ^{1 Eliz. c. 4.}

of queen *Elizabeth*, intituled, *an act for the restitution of first fruits to the crown*, the said revenues of first fruits and yearly perpetual tenths are within the order, survey, rule, and governance of her majesty's court of exchequer: and whereas his majesty king *Charles* the second, by letters patent under the great seal of *England*, bearing date the twenty-fourth day of *January* in the thirty-first year of his reign, did give and grant unto *Marmaduke Gibbs*, esquire, his heirs and assigns, the office of remembrancer of first fruits and tenths in his majesty's court of exchequer, to hold the said office unto the said *Marmaduke Gibbs*, his heirs and assigns, by himself or by his or their sufficient deputy or deputies for ever, immediately and so soon after the date of the said letters patent as the said office should become vacant as therein mentioned, and which soon afterwards happened, upon trust that he the said *Marmaduke Gibbs*, his heirs and assigns, should stand seized of the said office, with the wages, fees, and emoluments thereof (except as therein mentioned) for *Henry* duke of *Grafton*, his heirs and assigns, as in the said letters patent is mentioned: and whereas by an act passed in the

3 G. 1, c. 10. third year of the reign of king *George* the first, intituled *an act for the better collecting and levying the revenue of the tenths of the clergy*, it was amongst other things enacted, that from and after the twenty-sixth day of *December* then last past there should be one collector or receiver of the said perpetual yearly tenths of all dignities, offices, benefices, and promotions spiritual whatsoever, granted to the said corporation of the governors of the bounty of queen *Anne*, for the augmentation of the maintenance of the poor clergy by the said first recited act and letters patent, (which had not been legally discharged by any act or acts since made, or otherwise), from time to time to be appointed by his majesty, his heirs and successors, by his or their letters patent under the great seal of *Great Britain*, as in the said act now in recital is mentioned; which said collector or receiver should be and was thereby charged and chargeable to levy, collect, and receive all such sums of money wherewith all and every such dignities, offices, benefices, and promotions spiritual were charged and chargeable for and towards the payment of the said perpetual yearly tenths; and should pay and content the said sums of money yearly into the receipt of his majesty's exchequer at *Westminster*, in such manner and form as was thereafter mentioned: and whereas under or by virtue of the several acts and letters patent hereinbefore mentioned or referred to, and other acts of parliament and letters patent of the crown, the said revenue of first fruits is now collected and received in a certain office called the office of first fruits, which office is a branch of the said court of exchequer, and consists of four officers; *videlicet*, a remembrancer of first fruits and tenths, who holds his office in fee under or by virtue of the said letters patent of king *Charles* the second, a collector or receiver, and two sworn clerks; and the revenue of yearly tenths is in the first instance collected and received by a collector or receiver, who holds his office under or by virtue of the said act of the third year of king *George* the first, or letters patent granted in pursuance thereof, and has two clerks for his assistance in the business of such collection and receipt; and the said revenues of first fruits and

yearly tenths are from time to time paid by the respective collectors or receivers thereof into the bank of *England*, to the account of her majesty's exchequer; and the same monies, or the amount thereof, are or is afterwards from time to time paid to the treasurer for the time being of the said governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy: and whereas the names of the present officers employed in the said offices of first fruits and tenths for the collection, receipt, and payment, in manner aforesaid, of the said revenue of first fruits and yearly perpetual tenths, and the average yearly amount of the emoluments of all such officers respectively, arising from salaries and fees, or otherwise (as stated by such officers respectively), and the annual expenses of the said offices for rent, salary to an office keeper, stationery, coals, candles, and other incidental matters, are set forth in the schedule to this act, and amount in the whole to the yearly sum of two thousand and twenty-two pounds eighteen shillings and eleven-pence: and whereas the method at present in use for the collection and receipt of the said first fruits and tenths by the said several officers respectively, and the payment of the same into the bank of *England* to the account of her majesty's exchequer, and the subsequent payment thereof to the treasurer of the governors of the bounty of queen *Anne*, as hereinbefore mentioned, is unnecessarily circuitous, complicated, and expensive; and it is therefore expedient that the said office of remembrancer of first fruits and tenths, and the said several offices of collectors or receivers of first fruits and tenths, and the clerkships attached to the same offices respectively, should be abolished, and that the collection and receipt as well as the expenditure and application of the whole revenue of first fruits and tenths should be placed under the management of the said governors of the bounty of queen *Anne*, and their treasurer for the time being under their immediate control, by which means the collection and receipt of the said first fruits and tenths, and the proceedings to recover and enforce the payment thereof, may be rendered more simple and less oppressive to the clergy paying the same, and the expenses attending such collection and receipt may be greatly lessened, and the clear revenues of first fruits and tenths be consequently increased for the augmentation of the maintenance of the poor clergy, as directed by the said letters patent of her said majesty queen *Anne*: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of *December* next after the passing of this act the said office of remembrancer of first fruits and tenths, the said offices of collectors or receivers of first fruits and tenths respectively, and the several clerkships and other offices attached or belonging thereto respectively, shall be and the same are hereby abolished.

Abolishing
offices of
first fruits
and tenths.

II. And be it enacted, that the several records, deeds, books, accounts, papers, vouchers, and other documents whatsoever of or concerning the duties and business of the said several offices respectively so to be abolished as aforesaid, shall, on or before the said

Books, &c.
belonging
to abolished
offices to be
delivered
up to the

treasurer of
queen Anne's
bounty.

twenty-fourth day of *December* next after the passing of this act, be delivered by the several officers or persons now having the custody or possession of the same into the hands and possession of the treasurer for the time being of the said governors of the bounty of queen *Anne*, at his office for the time being in the city of *London* or *Westminster*, to be by such treasurer for the time being duly kept and preserved in his said office, subject nevertheless to such rules, orders, and regulations as the said governors of the bounty of queen *Anne* shall or may from time to time ordain or make touching the same; and that the barons of her majesty's court of exchequer shall, if necessary, make such order or orders as to them may seem meet for the delivery of the said several records, deeds, books, accounts, papers, vouchers, and other documents to the said treasurer for the time being of the said governors of the bounty of queen *Anne* as aforesaid.

The treasurer
of queen
Anne's
bounty to be
the sole col-
lector of the
first fruits
and tenths.

III. And be it enacted, that from and after the said twenty-fourth day of *December* next after the passing of this act the treasurer for the time being of the said governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy shall be the one and only collector or receiver of all the said revenues of first fruits and yearly perpetual tenths of all dignities, offices, benefices, and promotions spiritual whatsoever, which shall thereafter be or become payable under or by virtue of any act or acts of parliament, or otherwise howsoever, and of all past, present, and future arrears of the same revenues of first fruits and tenths respectively; and that the monies to be received by such treasurer for the time being of the said governors of the bounty of queen *Anne* shall be from time to time paid and disposed of and accounted for by such treasurer in the same manner as the monies which would have been received by him for or in respect of such revenues, in case this act had not been made, would have been paid and disposed of and accounted for.

Alteration in
the mode of
collecting
first fruits
and tenths
not to affect
the remedies
for compell-
ing payment

IV. Provided always, and be it enacted, that the enactments hereinbefore contained making the said revenues of first fruits and tenths payable immediately to the said treasurer for the time being of the said governors of the bounty of queen *Anne*, instead of being as heretofore first paid into her majesty's exchequer, shall not take away, lessen, defeat, prevent, or in any way affect or alter any writ, process, or remedy whatsoever heretofore in use in her majesty's name in her majesty's said court of exchequer, or otherwise, for the recovery or compelling payment of the said revenues of first fruits and tenths, or the arrears thereof, or the penalties for the non-payment of the same; but that all such writs, process, and remedies shall and may be issued, sued, and prosecuted by or in the said court of exchequer in the name of her said majesty, or otherwise, and in the same manner and form to all intents and purposes and as fully and effectually as if the said revenues of first fruits and tenths were still payable in the same manner and to the same officers as before the passing of this act; and that from and after the said twenty-fourth day of *December* next after the passing of this act the said treasurer for the time being of the governors of the bounty of queen *Anne* shall and may have and exercise the same powers and autho-

rities with regard to the issuing, suing forth, and prosecution of such writs, process, and proceedings for or relating to the recovery or compelling payment of the said revenues of first fruits and tenths, and all penalties for non-payment thereof, or otherwise relating thereto, as the said remembrancer of first fruits, and the said collectors or receivers of first fruits and tenths respectively, whose offices are hereby abolished, had or might have exercised immediately before the passing of this act.

V. And be it enacted, that from and after the said twenty-fourth day of *December* next after the passing of this act all returns by the bishops of the several dioceses and by other ordinaries of institutions to benefices, and all returns whatsoever heretofore made to, and all notices, process, and other proceedings, charges, discharges, bonds, recognizances, estreats, matters, and things usually issued, done, had, received, filed, recorded, or taken by or under the authority of the said remembrancer of first fruits and tenths, or the said collectors and receivers of first fruits and tenths, and other officers whose offices are hereby abolished, or any of them, for the recovery or enforcing the payment of the said revenues of first fruits and tenths, or for any other purpose whatsoever, and which shall from henceforth be by law required or needful to be made and delivered, issued, done, had, received, filed, recorded, or taken, shall be respectively made and delivered to, and issued, done, had, received, filed, recorded, and taken by the treasurer for the time being of the said governors of the bounty of queen *Anne*, or the clerks in the office of such treasurer by and under his direction, according to the course and practice of such office, as fully and effectually to all intents, constructions, and purposes as the same might or could have been made and delivered to, or issued, done, had, received, filed, recorded, or taken by the said remembrancer, collectors, and receivers, and other officers whose offices respectively are hereby abolished, or any of them, before the passing of this act.

Duties of abolished offices to be performed by treasurer of queen Anne's bounty.

VI. And be it enacted, that from and after the said twenty-fourth day of *December* next after the passing of this act all such searches, copies, or extracts as may now be made, taken, or obtained by any person or persons whomsoever in and from the records, books, and other documents in or belonging to the said offices of first fruits and tenths respectively, shall or may be made and taken from the same records, books, and other documents, and all other similar records, books, and other documents for the time being which by virtue of this act shall be in or belonging to the office of the treasurer for the time being of the said governors of the bounty of queen *Anne*, at such time or times, and in such manner, and upon payment of such fees as the said governors shall, under their common seal, order and direct: and that all such copies or extracts, signed and authenticated by the said treasurer for the time being, or such other person or persons as shall be appointed by him for that purpose, shall be as available in evidence and as valid and effectual to all intents and purposes as the same would by law have been if the same had been signed, authenticated, and given before the passing of this act by the said remembrancer and other officers whose offices are hereby abolished, or any of them.

Searches to be made and copies of documents to be obtained as heretofore

Fees for searches, &c. to be paid to the treasurer of queen Anne's bounty.

VII. And be it enacted, that in the meantime and until such order or orders shall be made in that respect, as are hereinafter provided, all fees for such searches and copies or extracts as aforesaid, and all such other fees, perquisites, and other payments whatsoever (except salaries) as are now paid to or received by and for the use and benefit of the said remembrancer and other officers whose offices are hereby abolished, shall be paid to and received by the said treasurer for the time being of the bounty of queen *Anne*, and shall be by him from time to time accounted for and paid and disposed of in the same manner and for the same purposes as the said revenues of first fruits and tenths hereby made payable to him as aforesaid.

Account of first fruits and tenths payable to be sent to clerks on institution.

VIII. And be it enacted, that the said treasurer for the time being of the bounty of queen *Anne* shall upon or immediately after the receipt of every return of institutions made by the bishops of the respective dioceses in *England* or *Wales*, or other ordinaries, deliver or transmit by the post, or otherwise, to every clerk or other person instituted to any ecclesiastical benefice, an account or statement in writing of the payments (if any) which are to be made by him for or in respect of the first fruits and yearly tenths of such benefice, and of the times and manner of making such payments.

Notice of arrears to be sent to the party omitting to pay.

IX. And be it enacted, that when and as often as it shall appear to the treasurer for the time being of the governors of the bounty of queen *Anne* that any person liable to the payment of first fruits or tenths shall have omitted or neglected to pay the same respectively for one calendar month over or after the proper time for such payment, the said treasurer for the time being shall thereupon give to each such person a notice in writing, or transmit the same by the post addressed to him at the place of residence belonging to the benefice or other ecclesiastical preferment in respect of which such payment is required, or other his usual place of residence, if known to the said treasurer, stating the amount then appearing to be due from such person for or in respect of first fruits and tenths respectively; and that such notice shall from time to time be repeated as often as the said treasurer may deem expedient; and that in particular between the twenty-ninth day of *September* and the twenty-fifth day of *December* in every year such a notice shall be given, sent, or transmitted as aforesaid to every archbishop, bishop, or other dignitary, rector, vicar, or other person from whom any first fruits or yearly tenths, or any sum or sums of money in respect thereof, may then appear to be due, to the end that the payments of such first fruits and tenths may in no case be omitted or neglected through ignorance or inadvertence.

Provisions of former acts relating to first fruits and tenths to continue in force, except where altered by this act.

X. And be it enacted, that all the laws, statutes, and provisions touching or concerning the said revenues of first fruits and tenths, and the imposing, charging, assessing, and levying, and the true answering and payment of the said first fruits and tenths, or touching the charge or discharge or alteration of them or any of them, or any matter or thing relating thereto, which were in force immediately before the passing of this act, and which are not hereby or hereinbefore altered or repealed, shall be, remain, and continue in their full force and effect, and shall hereafter be observed and put in due

execution according to the tenor or purport of the same and every of them in all things, excepting such as are in or by this act altered or repealed.

XI. And whereas it is fit and reasonable that a fair and proper price or consideration in money should be paid out of the funds of the said governors of the bounty of queen *Anne* to *Henry Warre* esquire, the present remembrancer of first fruits and tenths, or other the owner or owners of the freehold and inheritance of such office under the said letters patent of king *Charles* the second, as and for the purchase of or a compensation for the loss of the same by virtue of this act; and that a fair and proper compensation in money should also be paid out of the funds of the said governors of the bounty of queen *Anne* to *George Arbuthnot* esquire, the present collector or receiver of first fruits, and to *Mr. George Gunthorpe*, the present senior sworn clerk in the said office of first fruits, and to *Mr. Richard Griffiths*, the present senior sworn clerk in the said office of tenths, for the loss which they will respectively sustain by the abolition of their said respective offices by virtue of this act; be it therefore enacted, that the governors of the bounty of queen *Anne* shall, by and out of the funds of their said corporation, pay to the said *Henry Warre*, or other the owner or owners of the said office of remembrancer of first fruits and tenths, and the freehold and inheritance thereof, as and for the purchase of or a compensation for the loss of the same by virtue of this act, such a sum of money as shall by the lord high treasurer or the commissioners of her majesty's treasury for the time being, or any three or more of them, by warrant under their hands, be ascertained and declared to be the fair and reasonable value of the said office of remembrancer of first fruits and tenths, and the freehold and inheritance thereof.

Compensation to the remembrancer of first fruits and tenths.

XII. And be it enacted, that the said governors of the bounty of queen *Anne* shall, by and out of the funds of their said corporation, pay to each of them the said *George Arbuthnot*, *George Gunthorpe*, and *Richard Griffiths*, such sum or sums of money, either annually or in gross, as shall by the lord high treasurer or the commissioners of her majesty's treasury for the time being, or any three or more of them, by warrant under his or their hand or hands respectively, be ascertained and declared to be a fair and reasonable compensation for the loss which the said last mentioned officers respectively will sustain by the abolition of their said respective offices by virtue of this act.

Compensation to other officers.

XIII. And be it enacted, that the said *Henry Warre*, or other the person or persons claiming to be the owner or owners of or entitled to the said office of remembrancer of first fruits and tenths, shall within one calendar month next after the passing of this act, at his or their own expense, prepare and deliver to the lord high treasurer or the commissioners of her majesty's treasury for the time being, or any three or more of them, an abstract of the title to the said office of remembrancer, and the fee and inheritance thereof, under the said letters patent of king *Charles* the second, and shall deduce and evidence a good title to the same to the reasonable satisfaction of the counsel of the said governors; and that on such good and marketable title being deduced and evidenced as aforesaid the said

Title to be shown to the office of remembrancer.

governors, or their treasurer for the time being, shall, upon an order for that purpose made by the lord high treasurer or the commissioners of her majesty's treasury, or any three or more of them, pay to the said *Henry Warre*, or other the owner or owners of the said office of remembrancer of first fruits and tenths, and the fee simple and inheritance thereof, the sum of money which shall in manner aforesaid have been ascertained and declared to be the fair and reasonable price or value of the same, and that the receipt of the person or persons to whom the same money shall be paid shall be a good and sufficient discharge to the said governors.

In case of not making out a good title, purchase money to be paid into court of exchequer.

1 G. 4, c. 35.

XIV. Provided always, and be it enacted, that in case a good title to the said office of remembrancer of first fruits and tenths, and the fee simple and inheritance thereof, shall not be deduced and evidenced, then and in that case it shall and may be lawful for the said governors, and they are hereby required, with all convenient speed, to pay the sum of money which shall have been in manner aforesaid ascertained and declared to be the reasonable price and value of the said office of remembrancer into the bank of *England* in the name and with the privity of the accountant-general of the court of exchequer, to be placed to his account there *ex parte* the said governors of the bounty of queen *Anne*, pursuant to the method prescribed by an act made in the first year of the reign of his majesty king *George* the fourth, intituled *an act for the better securing the monies and effects paid into the court of exchequer at Westminster on account of the suitors of the said court, and for other purposes*, and the general orders of the said court, and without fee or reward; to the intent that such money shall be applied, under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way by the said *Henry Warre*, or other the person or persons, body or bodies, who would have been entitled to the fees, emoluments, and profits of the said office of remembrancer of first fruits and tenths in case the same had not been abolished, in or towards the discharge of any debt or debts, or such other incumbrances or part thereof, as the said court shall authorize to be paid, affecting the same office, or any part or parts, share or shares, estate or estates, interest or interests thereof or therein, or charge or charges thereon, or affecting any other hereditaments standing settled therewith to the same or the like uses, trusts, intents or purposes; or where such money shall not be so applied then the same shall be laid out and invested, under the like direction and approbation of the said court, in the purchase of messuages, lands, tenements, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the said office of remembrancer of first fruits and tenths so hereby abolished as aforesaid stood settled or limited immediately before the passing of this act, or such of them as at the time of making such conveyance or settlement shall be existing undetermined and capable of taking effect; and that in the meantime and until such purchase shall be made the said money shall, by order of the said court, upon application thereto, be invested by the said accountant-general in his name in the purchase of three pounds *per centum* consolidated

or three pounds *per centum* reduced bank annuities ; and that in the meantime and until such bank annuities shall be ordered by the said court to be sold for the purposes aforesaid the dividends and annual produce of the said consolidated or reduced bank annuities shall from time to time be paid, by order of the said court, to the said *Henry Warre*, or other the person or persons, body or bodies, who would for the time being have been entitled to the rents and profits of the lands, tenements, and hereditaments so hereby directed to be purchased, in case such purchase and settlement were actually made.

XV. Provided always, and be it enacted, that if any question shall arise touching the title of the said *Henry Warre*, or of any other person or persons, body or bodies, to the monies to be paid into the bank of *England* in the name and with the privity of the accountant-general of the court of exchequer, in pursuance of this act, for the purchase of or as a compensation for the said office of remembrancer of first fruits and tenths, or to any bank annuities to be purchased with any such money, or to the dividends or interest of any such bank annuities, the said *Henry Warre*, the present possessor of the said office of remembrancer, and all and every person or persons claiming under him, shall be deemed and taken to have been lawfully entitled to the said office, until the contrary shall be shown to the satisfaction of the said court of exchequer ; and the dividends or interest of the bank annuities to be purchased with such money, and also the capital of the said bank annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such office of remembrancer, or to some part or share thereof, or to some estate or interest therein or charge thereon.

Persons in possession of office of remembrancer to be deemed rightfully entitled thereto until contrary is proved.

XVI. And be it enacted, that the right reverend *Charles Thomas* lord bishop of *Ripon*, and the bishop of *Ripon* for the time being, shall be a governor of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy ; and that in the event of the foundation of any new see or sees in *England* or *Wales* the bishop or bishops thereof for the time being shall be a governor or governors of the said bounty.

Bishop of Ripon and bishops of any future new sees to be governors.

XVII. And be it enacted, that between the first day of *February* and the first day of *July* in every year, on some convenient day and at some convenient place in the city of *London* or *Westminster*, to be respectively appointed for that purpose by the said governors of the bounty of queen *Anne*, they the said governors shall hold an extraordinary general court or meeting for the despatch of the business of the said governors, and that at least fourteen days' previous notice of the time and place of such general court or meeting shall be yearly given in the *London Gazette*.

General meeting of governors to be held yearly.

XVIII. And be it enacted, that the said governors of the bounty of queen *Anne* shall, in the month of *November* in every year, make out in writing a return of all their receipts and disbursements during the preceding year ending on the thirty-first day of *December* then last past, and of all sums of money which at the time of making

Account to be annually laid before her majesty in council and both houses of parliament.

such account or return shall appear to be due or in arrear from any person or persons whomsoever for or in respect of first fruits and tenths respectively, and shall present such account or return to her majesty in council; and that the same or copies thereof shall, at the commencement of the ensuing session, be laid before both houses of parliament; and shall cause a duplicate of each such account or return to be deposited, on or before the first day of *December* in every year, at the office of the secretary of the said governors for the time being, who shall keep and preserve the same respectively at his said office; and all persons whatsoever may at all seasonable times have access thereto, and be furnished by the said secretary with copies or extracts thereof or of such part or parts thereof as they shall require, stamped with the common seal of the said governors, on giving reasonable notice to the said secretary, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and all copies of or extracts from any of the said duplicates of the said accounts or returns, purporting to be stamped with the common seal of the said governors, shall be received in evidence in all courts and before all judges whatsoever without any further proof thereof.

Governors
empowered
to make
rules and
orders.

XIX. And be it enacted, that it shall be lawful for her majesty and her successors, under her or their royal sign manual, from time to time as there shall be occasion, and at the recommendation of the said governors of the bounty of queen *Anne*, to make rules, orders, regulations, and arrangements for the better collecting, receiving, and enforcing the payment of the said first fruits and tenths, and accounting for the same, and for prescribing or regulating the duties of the said treasurer for the time being with respect to the said first fruits and tenths, and his receipt, disposition, and accounting for the same, and the number, duties, and employment of the clerks or other persons, to be employed therein under the direction of such treasurer or otherwise, and for the remuneration of the said treasurer, clerks, and other persons respectively, for the duties performed by him and them respectively in the matters aforesaid, either by a fixed salary or salaries, or by the appropriation to him or them respectively, for his or their own benefit, of all or any of the fees hereinbefore directed to be paid to such treasurer for the time being, and for enforcing and carrying into more complete operation the objects and purposes of this act.

Deeds for
purchases,
&c., to be
made in the
following
form.

XX. And whereas it is expedient that the said governors of the bounty of queen *Anne* should be empowered to adopt and use short forms of deeds in cases of purchases and grants by way of gift or benefaction of lands, tenements, and hereditaments, and annual stipends, rent charges, or annuities, for the perpetual augmentation of small livings and cures; be it therefore enacted, that all conveyances and grants, either by way of purchase or by way of gift or of benefaction, of lands, tenements, and hereditaments hereafter to be made to or by the direction of the said governors and their successors, according to the rules and orders established for the regulation of the said bounty by letters patent under the great seal of *Great Britain*, and pursuant to the charter of incorporation of the said

governors, and the several acts of parliament in that case made and provided for the perpetual augmentation of small livings and cures, may be made according to the following form, or as near thereto as the number of the parties and the circumstances of the case will admit; namely,

I of in consideration of [*state the consideration*], do hereby grant and convey to the said governors, their successors and assigns, [*or to the rector, vicar, curate, or incumbent of the rectory, vicarage, curacy, or chapelry of (as the case may be)*], and his successors, by the direction of the said governors, (testified by their affixing their common seal to this deed), all [*describing the premises to be conveyed*], together with all ways, rights, and appurtenances thereunto belonging, and all such estate, right, title, and interest in and to the same and every part thereof as I am or shall become seized or possessed of, to hold the said premises to the said governors, their successors and assigns, for ever, to be by them applied and disposed of [*or to hold the said premises to the said rector, &c., as the case may be*], and his successors, for ever], for the augmentation of the maintenance of the said rector, vicar, curate, or incumbent (*as the case may be*) of the rectory, vicarage, curacy, or chapelry of
witness whereof, &c.

And all such conveyances and grants shall be valid and effectual in the law to convey all the right, title, and interest of the grantors or grantor in the premises thereby conveyed or granted.

XXI. And be it enacted, that all deeds for the purpose of granting stipends, rent charges, or annuities, to or by the direction of the said governors for the augmentation of small livings and cures, may be made according to the form following, or as near thereto as the number of the parties and the circumstances of the case will admit; viz.,

Deed for granting stipends, &c. to be in the following form.

I of in consideration of [*state the consideration*], do hereby give and grant unto the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, and their successors, [*or to the rector, vicar, curate, or incumbent of the rectory, vicarage, curacy, &c. of*], and his successors, by the direction of the said governors, testified by their affixing their common seal to this grant], the clear rent charge or annual sum of to be issuing out of and charged upon all [*describe the premises charged*], to hold the said clear rent charge or annual sum of, free from all charges and deductions now payable or hereafter to be made payable, unto the said governors, their successors and assigns, to be by them applied to the perpetual augmentation of the maintenance of the rector, vicar, curate, or incumbent (*as the case may be*), of, &c. or unto the rector, vicar, curate, or incumbent of, &c., (*as the case may be*), for the perpetual augmentation of the said rectory, vicarage, curacy, or benefice], such clear rent charge or annual sum to be paid yearly for ever, by four equal quarterly payments, on the days and times following, [*specify the days and times and the place at which the payments are to be made*], the first payment to be made on such of the said days as shall first happen next after the date hereof. In witness whereof, &c.

And every such gift and grant shall be valid and effectual in the law for the purpose of securing the payment of such clear rent charge or annual sum as shall be therein expressed to be granted, as far as the estate or interest of the grantors or grantor in the tenements and hereditaments thereby charged shall extend, and shall be construed and adjudged in all courts of judicature to authorize and empower the grantees or grantee therein named, and their respective successors and assigns, if such clear rent charge or annual sum, or any part thereof, shall be in arrear for the space of twenty-eight days, to levy the same by distraining any goods upon the premises charged, and selling the distress, as in the case of rent reserved on common leases for years, and to repeat such distress and sale from time to time, whenever necessary, until such clear rent charge or annual sum, and all arrears thereof, and any costs attending the non-payment thereof, shall be fully discharged.

Definition of
the word
"Grant" in
conveyances,
&c.

XXII. And be it enacted, that in all such conveyances and grants made for valuable consideration for the augmentation of any small living or cure, the word "Grant" shall, where the grantors or grantor at the time of such conveyances or grants had or claimed to have a beneficial interest in the premises conveyed, granted, or charged, operate as and be construed and adjudged in all courts of judicature to be an express covenant to or with the grantees or grantee, their or his successors and assigns, by or from the grantors or grantor, their, his, or her successors, heirs, executors, and administrators, that, notwithstanding any act of the said grantors or grantor or their or any of their ancestors, to the contrary, the said grantors or grantor were or was at the time of the execution of such conveyances or grants seized or possessed of, and had full power and authority to grant and convey or to charge, the lands or premises thereby granted or charged, for an indefeasible estate of inheritance in fee simple, or otherwise for such estate or interest as therein expressed, free from all incumbrances, and that, notwithstanding any such act as aforesaid, the grantees or grantee, their or his successors and assigns, shall quietly enjoy such lands and premises, or such rent charge, as the case may be, against all persons whomsoever claiming or to claim by, from, under, or in trust for such grantors or grantor, or by, from, under, or in trust for their or any of their ancestors, and be indemnified and saved harmless by the said grantors or grantor, their, his, or her successors, heirs, executors, and administrators, from all incumbrances whatsoever made or created by such grantors or grantor, or any of them, or their or any of their ancestors, and also for further assurance, at the expense of the grantees or grantee, their or his successors or assigns, of such lands and premises, or of such rent charge, by the said grantors or grantor, and all persons claiming under them, him, or her, unless and except and so far as the same shall be restrained or limited by express particular words contained in such conveyances and grants; but where the said grantors or grantor at the time of such conveyances or grants were or was bare trustees or a bare trustee only of the premises thereby conveyed or granted, the word "Grant" shall operate as and be construed and adjudged to be an express covenant with the grantees or grantee, their or his successors and assigns, by or from the grantors

or grantor, their, his, or her heirs, executors, and administrators, that such grantors or grantor had done no act to incumber the premises thereby conveyed or granted; and the grantees or grantee, their or his successors and assigns, shall and may in all actions to be brought assign breach or breaches of covenant, as they might do in case such covenants were expressly inserted in such conveyances and grants.

XXIII. And be it enacted, that it shall and may be lawful to and for the said governors of the bounty of queen *Anne* to cause and procure to be enrolled in her majesty's high court of chancery all or any of such deeds as may be hereafter made or executed for the purpose of conveying, giving, granting, or annexing any lands, tenements, or hereditaments, or any stipend, rent charge, or annual sum to or by the direction of the said governors or their successors for the augmentation of livings or cures as aforesaid; and when any such deed or deeds shall have been so enrolled a copy of the enrolment thereof, certified by the proper officer having the custody of such enrolment to be a true copy of such enrolment, and examined with the said enrolment, shall be of the same force, effect, and validity to all intents and purposes as the original deed would be if the same were produced; and that any rule or practice requiring deeds to be acknowledged before enrolment shall not apply to any deed by this act authorized to be enrolled in her majesty's high court of chancery.

Governors of queen Anne's bounty to cause deeds to be enrolled.

XXIV. Provided always, and be it enacted, that none of the provisions hereinbefore contained, empowering the said governors of the bounty of queen *Anne* to adopt and use the forms of deeds hereinbefore mentioned, shall affect or interfere with any power or authority contained in any act or acts now in force authorizing the use of any other forms or form of deeds and conveyances, but that the forms of deeds and conveyances by any such acts or act authorized to be used may still be adopted and used as if this act had not been passed.

Powers of acts now in force respecting forms of deeds, &c. not to be affected.

XXV. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be altered, &c. this session.

The Schedule referred to by this Act.

FIRST FRUITS OFFICE.

		£	s.	d.	£	s.	d.
Henry Warre, esq., re- membrancer.	Annual average amount of fees	560	0	0			
	Payment from the court of exchequer in lieu of certain abolished fees	63	0	0	623	0	0
George Arbuthnot, esq., receiver.		.	.	.	250	0	0
Mr. George Gunthorpe, senior sworn clerk.	Annual average amount of fees	262	14	2			
	Under receiver's patent	20	0	0	282	14	2
Mr. John Geesin, junior sworn clerk.	Annual average amount of fees	.	.	.	118	4	9
				£	1,273	18	11

TENTHS OFFICE.

		£	s.	d.	£	s.	d.
The office of receiver has lately become va- cant by the death of Thomas Venables, esq. who had received. .)	Salary	300	0	0			
	Fees	125	0	0	425	0	0
Richard Griffiths, senior clerk.	Salary	.	.	.	100	0	0
William Bridges, junior clerk.	Salary	.	.	.	100	0	0
Besides the fees on notices, the amount of which is not stated.							
Office keeper		.	.	.	25	0	0
Rent of office, stationery, coals, and sundries.		.	.	.	99	0	0
				£	749	0	0

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

GOOD FRIDAY.

27 HENRY 6, CAP. 5.—*Certain days wherein fairs and markets ought not to be kept.*—See Title—"FAIRS AND MARKETS," vol. iii. p. 95.

39 & 40 GEORGE 3, CAP. 42.—*An act for the better observance of Good Friday in certain cases therein mentioned.*—Whereas the bank of *England* and bankers in general are often under the necessity of transacting business on *Good Friday*, for the purpose of receiving money for bills of exchange and promissory notes becoming payable on that day, in consequence whereof many persons are prevented observing the same with due solemnity; now, therefore, for the better observance of *Good Friday*, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that where bills of exchange and promissory notes become due and payable on *Good Friday*, the same shall, from and after the first day of *June* next ensuing, be payable on the day before *Good Friday*; and the holder or holders of such bills of exchange or promissory notes, may note and protest the same for non-payment on the day preceding *Good Friday*, in like manner as if the same had fallen due and become payable on the day preceding *Good Friday*; and such noting and protests shall have the same effect and operation at law as if such bills and promissory notes had fallen due and become payable on the day preceding *Good Friday*, in the same manner as is usual in the cases of bills of exchange and promissory notes coming due on the day before any Lord's day, commonly called *Sunday*, and before the feast of the *Nativity* or birth day of our Lord, commonly called *Christmas day*.

Where bills of exchange and promissory notes become payable on *Good Friday*, the same shall be payable on the day before, and the holders thereof may protest the same for non-payment on such preceding day.

7 & 8 GEORGE 4, CAP. 15.—*An act for declaring the law in relation to bills of exchange and promissory notes becoming payable on Good Friday or Christmas day.*—Whereas an act was passed in the thirty-ninth and fortieth years of the reign of his late majesty king *George* the third, intituled *an act for the better observance of Good Friday in certain cases therein mentioned*; and it was thereby enacted, that where bills of exchange and promissory notes became due and payable on *Good Friday*, the same should, from and after the first day of *June* then next ensuing, be payable on the day before *Good Friday*; and that the holder or holders of such bills of exchange or promissory notes might note and protest the same for non-payment on the day preceding *Good Friday*, in like manner as if the same had fallen due and become payable on the day preceding *Good Friday*; and that such noting and protest should have the same effect and operation at law as if such bills and promissory notes had fallen due and become payable on the day preceding *Good Friday*, in the same manner as was usual in the cases of bills of exchange and promissory notes coming due on the day before any Lord's day,

39 & 40 G. 3, c. 42.

Where bills of exchange, becoming due on the day preceding Good Friday or Christmas day, are dishonored, notice thereof may be given on the day after such Good Friday, &c.

commonly called *Sunday*, and before the feast of the *Nativity* or birth day of our Lord, commonly called *Christmas day*: and whereas, notwithstanding the said recited act, and notwithstanding the general custom of merchants, doubts have arisen whether notice of the dishonor of bills of exchange and promissory notes falling due on any *Good Friday* or on any *Christmas day*, should not be given on such *Good Friday* or *Christmas day* respectively, and whether in cases where bills of exchange and promissory notes fall due on the day preceding any *Good Friday* or *Christmas day*, notice of the dishonor thereof should not be given on the *Good Friday* or the *Christmas day* next after the same bills of exchange and promissory notes so fall due; and it is expedient that such doubts should be removed; be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and immediately after the tenth day of *April* one thousand eight hundred and twenty-seven, in all cases where bills of exchange or promissory notes shall be payable, either under or by virtue of the said recited act, or otherwise, on the day preceding any *Good Friday*, or on the day preceding any *Christmas day*, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes to give notice of the dishonor thereof until the day next after such *Good Friday* or *Christmas day*; and that whenever *Christmas day* shall fall on a *Monday*, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding *Saturday*, to give notice of the dishonor thereof until the *Tuesday* next after such *Christmas day*; and that every such notice given as aforesaid, shall be valid and effectual to all intents and purposes.

Bills of exchange becoming due on fast or thanksgiving days, to be payable on the day next preceding such fast or thanksgiving day. &c.

II. And whereas similar doubts have existed with respect to bills of exchange and promissory notes falling due upon days appointed by his majesty's proclamation for solemn fasts or days of thanksgiving, or upon the day next preceding such days respectively, and it is expedient that such doubts should be removed; be it therefore further declared and enacted, that from and after the said tenth day of *April* one thousand eight hundred and twenty-seven, in all cases where bills of exchange or promissory notes shall become due and payable on any day appointed by his majesty's proclamation for a day of solemn fast or a day of thanksgiving, the same shall be payable on the day next preceding such day of fast or day of thanksgiving, and in case of non-payment, may be noted and protested on such preceding day; and that as well in such cases, as in the cases of bills of exchange and promissory notes becoming due and payable on the day preceding any such day of fast or day of thanksgiving, it shall not be necessary for the holder or holders of such bills of exchange and promissory notes to give notice of the dishonor thereof until the day next after such day of fast or day of thanksgiving; and that whensoever such day of fast or day of thanksgiving shall be appointed on a *Monday*, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding *Saturday*, to give notice of the dishonor

thereof until the *Tuesday* next after such day of fast or day of thanksgiving respectively and that every such notice, so given as aforesaid, shall be valid and effectual to all intents and purposes.

III. And be it further enacted, that from and after the said tenth day of *April* one thousand eight hundred and twenty-seven, *Good Friday* and *Christmas day*, and every such day of fast or thanksgiving so appointed by his majesty, is and shall, for all other purposes whatever, as regards bills of exchange and promissory notes, be treated and considered as the Lord's day, commonly called *Sunday*. Good Friday, Christmas day, &c. as regards bills of exchange, to be treated as the Lord's day.

IV. Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to that part of the united kingdom called *Scotland*. Act not to extend to Scotland.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

GRAVES.

7 GEORGE 4, CAP. 77, SECS. 28—32.—*An act to extend to Charing Cross, the Strand, and places adjacent, the powers of an act for making a more convenient communication from Marylebone park; and to enable the commissioners of his majesty's woods, forests and land revenues to grant leases of the site of Carlton palace.*

XXVIII. And be it further enacted, that it shall and may be lawful for the said commissioners acting in the execution of this act to take or use, for the purposes of this act, so much of the burial-ground of the parish of *Saint Martin-in-the-Fields* as lies on the south side of the said church, as may be required for the purpose; and the ground so taken, and the fee simple and inheritance thereof, shall be and are hereby vested in the king's majesty, his heirs and successors, for the purposes of this act.

Commissioners may take the burial-ground of St. Martin-in-the-Fields.

XXIX. And be it further enacted, that the said commissioners acting in execution of this act shall be and are hereby empowered and required, out of the monies to be applied for the purposes of this act, to purchase or otherwise provide a piece or parcel of ground, to be approved by the lord bishop of *London* and the vicar of the parish of *Saint Martin-in-the-Fields* for the time being, to be appropriated in enlarging that part of the present burial-ground as is situated on the north and east sides of the said church, such additional ground to be used as and for a burial-ground for the parishioners of the said parish of *Saint Martin-in-the-Fields*, and to procure the same to be consecrated and settled for that purpose, in such manner as the lord bishop of *London* for the time being, or such person as he shall appoint, shall direct; and to cause such burial-ground to be made under pavement, and enclosed in such manner as the lord bishop of *London* and the vicar of the said parish of *Saint Martin-in-the-Fields* for the time being shall approve; and the said commissioners shall cause a proper gate or gates to be erected as an entrance thereto, with locks and other fastenings; and such new burial-ground, and the soil thereof, and the freehold and inheritance of the same in fee simple, shall be vested in the same manner, and shall be subject to the same peculiar jurisdictions and visitations, as the present burial-ground of the parish of *Saint Martin-in-the-Fields*.

Commissioners to provide a new burial-ground.

XXX. And be it further enacted, that the graves in the present burial ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church aforesaid, shall be as little disturbed, and as little damage shall be done to the grave stones therein, as reasonably may be.

The graves to be disturbed as little as may be.

XXXI. And be it further enacted, that whenever it shall be necessary, in pursuance and execution of this act, to open or disturb any grave or graves, or any burial vault or vaults, in the said present burial-ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church aforesaid, it shall be lawful for the

Bodies disturbed to be removed.

heirs, executors, administrators, relations or friends of any person or persons who shall have been interred or deposited in such grave or graves, vault or vaults, with the consent of the vicar and churchwardens of the said parish, or the major part of them, to remove and carry away the remains of any such person or persons, and place the same in such new burial-ground, or any other church-yard or consecrated ground, in such manner as the lord bishop of *London* for the time being, or such person as he may appoint, shall direct; and that the expenses of such removing, carrying away, and placing (not exceeding in any one case the sum of ten pounds), shall be paid by the said commissioners acting in the execution of this act, out of the monies to be applied for the purposes of this act; and that the remains of such person or persons as shall have been interred or deposited in the graves or vaults so to be opened and disturbed as aforesaid, which shall not be removed or carried away as aforesaid, shall (except such graves or vaults shall be finally closed up), at the expense of the said commissioners acting in the execution of this act, to be paid out of the monies to be raised by virtue of this act, be removed from such graves or vaults into and be interred in such new burial-ground as aforesaid, in such manner as the lord bishop of *London* for the time being, or such person as he shall appoint shall direct.

Grave stones
to be remov-
ed.

XXXII. And be it further enacted, that the grave stones laid in the said burial-ground of the parish of *Saint Martin-in-the-Fields* on the south side of the said church, shall be removed into and put up and laid in such new burial-ground as aforesaid, in such manner as the lord bishop of *London* for the time being, or such person as he shall appoint, shall direct, and the expense thereof defrayed by the said commissioners acting in the execution of this act, out of the monies to be raised by virtue of this act.

9 GEORGE 4, CAP. 70, SECS. 5 & 6.—*An act to alter and enlarge the powers of an act passed in the seventh year of the reign of his present majesty, for extending to Charing Cross, the Strand, and places adjacent, the powers of an act for making a more convenient communication from Marylebone park, and for enabling the commissioners of his majesty's woods, forests, and land revenues to grant leases of the site of Carlton palace; and for other purposes relating thereto.*

So much of
7 G. 4, as
relates to
removal of
remains of
persons from
graves, &c.
repealed.

V. Whereas it was by the said in part recited act of the seventh year of the reign of his present majesty, amongst other things, further enacted, that it should be lawful for the said commissioners acting in the execution of the said act to take or use, for the purposes of the said act, so much of the burial-ground in the parish of *Saint Martin-in-the-Fields* as lay on the south side of the church as might be required for the purpose, and the ground so taken, and the fee simple and inheritance thereof, should be and were thereby vested in the king's majesty, his heirs and successors, for the purposes of the said act; and it was further enacted, that whenever it should be necessary, in pursuance and execution of the said in part recited act, to open or disturb any grave or graves, or any burial vault or vaults, in the said present burial-ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church aforesaid, it should be lawful for the heirs, executors, admi-

nistrators, relations, or friends of any person or persons who should have been interred or deposited in such grave or graves, vault or vaults, with the consent of the vicar and churchwardens of the said parish, or the major part of them, to remove and carry away the remains of any such person or persons, and place the same in such new burial-ground as therein mentioned, or any other church-yard or consecrated ground, in such manner as the lord bishop of *London* for the time being, or such person as he might appoint, should direct; and that the expenses of such removing, carrying away, and placing (not exceeding in any one case the sum of ten pounds) should be paid, by the said commissioners acting in the execution of the said in part recited act, out of the monies to be applied for the purposes of the said act; and that the remains of such person or persons as should have been interred or deposited in the graves or vaults so to be opened and disturbed as aforesaid, which should not be removed or carried away as aforesaid, should (except such graves or vaults should be finally closed up), at the expense of the said commissioners acting in the execution of the said act, to be paid out of the monies to be raised by virtue of the said act, be removed from such graves or vaults into and be interred in such new burial-ground as aforesaid, in such manner as the lord bishop of *London* for the time being, or such person or persons as he should appoint, should direct: and whereas in order to facilitate the removal of the remains of the various persons who have been interred or deposited in the graves or vaults of the present burial-ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church aforesaid, it is expedient, and would be of great saving to the public, if the said powers given by the said in part recited act for the removal of such remains as aforesaid were repealed, and such new provisions made in respect thereof as hereinafter is mentioned; be it therefore enacted, that from and after the passing of this act so much of the said in part recited act as relates to the removal of the remains of the various persons who have been interred or deposited in the graves or vaults of the said burial-ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church as aforesaid, shall be and the same is hereby repealed.

VI. And be it further enacted, that whenever, at any time after the passing of this act, it shall be necessary, in pursuance and execution of the said in part recited act, to open or disturb any grave or graves, or any burial vault or vaults, in the said burial-ground of the parish of *Saint Martin-in-the-Fields*, on the south side of the said church aforesaid, it shall be lawful for the said commissioners acting in the execution of the said recited act, with the consent of the vicar and churchwardens for the time being of the said parish of *Saint Martin-in-the-Fields*, or the major part of them, to remove and carry away the remains of any such person or persons as shall have been interred or deposited in such grave or graves, vault or vaults, and place the same either in such new burial-ground as by the said in part recited act the said commissioners are empowered and required to provide, or in any other church-yard or consecrated ground, in such manner as the lord bishop of *London* for the time being, or such person or persons as he may appoint, shall direct; and that the

Commission-
er empowered
to remove
remains of
persons from
the burial-
ground of
St. Martin's.

expenses of such removing, carrying away, and placing, (not exceeding in any one case the sum of ten pounds) shall be paid by the said commissioners acting in the execution of the said in part recited act, out of the monies to be applied for the purposes of the said act.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

HERESY.

5 RICHARD 2, STAT. 2, CAP. 5.—*An act against preachers of heresy.*—Item, forasmuch as it is openly known, that there be divers evil persons within the realm, going from county to county, and from town to town, in certain habits under dissimulation of great holiness, and without the licence of the ordinaries of the places, or other sufficient authority, preaching daily, not only in churches and churchyards, but also in markets, fairs, and other open places, where a great congregation of people is, divers sermons containing heresies and notorious errors, to the great emblemishing of the christian faith, and destruction of the laws and of the estate of holy church, to the great peril of the souls of the people, and of all the realm of *England*, as more plainly is found and sufficiently proved before the reverend father in God, the archbishop of *Canterbury*, and the bishops and other prelates, masters of divinity, and doctors of canon and of civil law, and a great part of the clergy of the said realm specially assembled for this cause: which persons do also preach divers matters of slander, to engender discord and dissension between divers estates of the said realm as well spiritual as temporal, in exciting of the people, to the great peril of all the realm: which preachers cited or summoned before the ordinaries of the places, there to answer of that, whereof they be impeached, will not obey to their summons and commandments, nor care not for their monitions nor censures of the holy church, but expressly despise them: and moreover by their subtle and ingenious words do draw the people to hear their sermons, and do maintain them in their errors by strong hand and by great routs: it is ordained and assented in this present parliament, that the king's commissions be made and directed to the sheriffs and other ministers of our sovereign lord the king, or other sufficient persons learned, and according to the certifications of the prelates thereof to be made in the chancery from time to time, to arrest all such preachers, and also their fautors, maintainers, and abettors, and to hold them in arrest and strong prison, till they will justify them according to the law and reason of holy church. And the king will and commandeth, that the chancellor make such commissions at all times, that he by the prelates or any of them shall be certified, and thereof required as is aforesaid.

Many heretical preachers go about preaching without licence,

as hath been proved before the archbishop, bishops, &c.

and despise the summons and censures of the church

The prelates certifying such preachers, the lord chancellor shall issue commissions to arrest them.

2 HENRY 4, CAP. 15.—*An act touching heresies.*—Item, whereas it is shewed to our sovereign lord the king on the behalf of the prelates and the clergy of his realm of *England* in this present parliament, that although the catholic faith builded upon Christ, and by his apostles and the holy church sufficiently determined, declared, and approved, hath been hitherto by good and holy and most noble progenitors of our sovereign lord the king in the said realm amongst all the realms of the world, most devoutly observed, and the church of *England* by his said most noble progenitors and ancestors, to the honor of God and of the whole realm aforesaid, laudably endowed,

The catholic faith hath been hitherto preserved,

but now a
new sect of
heretical
preachers is
arisen,

who promote
their here-
sies, to the
disturbance
of the public
peace,

to the great
peril of
men's souls,

and contemn
the spiritual
jurisdiction.

The prayer
of the pre-
lates, clergy,
and com-
mons, and
the king's
resolution to
suppress
them.

and in her rights and liberties sustained, without that the same faith or the said church was hurt or grievously oppressed, or else perturbed by any perverse doctrine or wicked, heretical or erroneous opinions: yet nevertheless divers false and perverse people of a certain new sect, of the faith of the sacraments of the church, and the authority of the same damnably thinking and against the law of God and of the church usurping the office of preaching, do perversely and maliciously in divers places within the said realm under the colour of dissembled holiness, preach and teach these days openly and privily divers new doctrines and wicked heretical and erroneous opinions, contrary to the same faith and blessed determinations of the holy church. And of such sect and wicked doctrine and opinions they make unlawful conventicles and confederacies, they hold and exercise schools, they make and write books, they do wickedly instruct and inform people, and, as much as they may, excite and stir them to sedition and insurrection, and maketh great strife and division among the people, and other enormities horribly to be heard daily do perpetrate and commit, in subversion of the said catholic faith and doctrine of the holy church, in diminution of God's honor, and also in destruction of the estate, rights and liberties of the said church of *England*, by which sect and wicked and false preachings, doctrines, and opinions of the said false and perverse people, not only most greatest peril of the souls, but also many more other hurts, slanders, and perils, (which God prohibit) might come to this realm, unless it be the more plentifully and speedily holpen by the king's majesty in this behalf, namely whereas the diocesans of the said realm cannot by their jurisdiction spiritual, without the aid of the said royal majesty, sufficiently correct the said false and perverse people, nor refrain their malice, because the said false and perverse people, do go from diocese to diocese, and will not appear before the said diocesans, but the same diocesans and their jurisdiction spiritual, and the keys of the church, with the censures of the same, do utterly contemn and despise, and so their wicked preachings and doctrines do from day to day continue and exercise, to the hatred of right and reason, and utter destruction of order and good rule. Upon which novelties and excesses above rehearsed the prelates and clergy afore-said, and also the commons of the said realm being in the same parliament, praying our sovereign lord the king, that his royal highness would vouchsafe in the said parliament to provide a convenient remedy: the same our sovereign lord the king graciously considering the premises, and also the laudable steps of his said most noble progenitors and ancestors, for the conservation of the said catholic faith, and sustentation of God's honor, and also the safeguard of the estate, rights and liberties of the said church of *England*, to the laud of God, and merit of our said sovereign lord the king, and prosperity and honor of all his said realm, and for the eschewing of such dissensions, divisions, hurts, slanders, and perils, in time to come, and that this wicked sect, preachings, doctrines and opinions should from henceforth cease and be utterly destroyed, by the assent of the states and other discreet men of the realm, being in the said parliament, hath granted, stablished, and ordained from henceforth firmly to be observed: that none within the said

realm or any other dominions, subject to his royal majesty, presume to preach openly or privily, without licence of the diocesan of the same place first required and obtained: curates in their own churches, and persons hitherto privileged, and other of the canon law granted, only except. Nor that none from henceforth any thing preach, hold, teach or instruct openly or privily, or make or write any book contrary to the catholic faith, or determination of the holy church, nor of such sect and wicked doctrines and opinions shall make any conventicles, or in anywise hold or exercise schools. And also that none from henceforth in anywise favor such preacher, or maker of any such and like conventicles, or holding or exercising schools, or making or writing such books, or so teaching, informing or exciting the people, nor any of them maintain or anywise sustain. And that all and singular having such books, or any writings of such wicked doctrine and opinions, shall really with effect deliver or cause to be delivered all such books and writings to the diocesan of the same place within forty days, from the time of the proclamation of this ordinance and statute. And if any person or persons, of whatsoever kind, estate, or condition that he or they be, from henceforth do or attempt against the royal ordinance and statute aforesaid in the premises or in any of them, or such books in the form aforesaid do not deliver, then the diocesan of the same place in his diocese, such person or persons in this behalf defamed or evidently suspected, and every of them, may by the authority of the said ordinance and statute cause to be arrested, and under safe custody in his prisons to be detained, till he or they of the articles laid to him or them in this behalf, do canonically purge him or themselves, or else such wicked sect, preachings, doctrines, and heretical and erroneous opinions do abjure according as the laws of the church do require, so that the said diocesan by himself or his commissaries do openly and judicially proceed against such persons so arrested, and remaining under his said custody to all the effect of the law, and determine that same business according to the canonical decrees within three months after the said arrest, any lawful impediment ceasing. And if any person, in any case above expressed, be before the diocesan of the place or his commissaries canonically convict: then the same diocesan may do to be kept in his prison the said person so convict for the manner of his default, and after the quality of the offence according and as long as to his discretion shall seem expedient, and moreover to put the same person to the secular court (except in cases where he according to the canonical decree ought to be left) to pay to our sovereign lord the king his pecuniar fine, according as the same fine shall seem competent to the diocesan, for the manner and quality of the offence, in which case the same diocesan, shall be bound to certify the king of the same fine in his exchequer by his letters patents sealed with his seal, to the effect that such fine by the king's authority may be required and levied to his use of the goods of the same person so convict. And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, opinions, schools, and heretical and erroneous informations or any of them be before the diocesan of the same place or his commissaries sententially convict, and the same wicked sect, preachings,

Enacted,
that none
shall preach
without li-
cence,

nor preach or
write against
the catholic
faith,

nor favor
such,

but deliver
all heretical
books to the
bishop.

Offenders
against this
act shall be
arrested by
the diocesan,

and proceed-
ed against
according to
the canons,

and being
convict shall
be kept in
prison,

and fined at
the discre-
tion of their
diocesan.

Any person
refusing to
abjure, so
relapsing,
shall be deli-
vered to the
secular arm,

doctrines and opinions, schools and informations, do refuse duly to abjure, or by the diocesan of the same place or his commissaries after the abjuration made by the same person pronounced fall into relapse, so that according to the holy canons he ought to be left to the secular court, whereupon credence shall be given to the diocesan of the same place, or to his commissaries in this behalf, then the sheriff of the county of the same place, and mayor and sheriffs or sheriff, or mayor and bailiffs of the city, town and borough, of the same county next to the same diocesan or the said commissaries, shall be personally present in preferring of such sentences, when they by the same diocesan or his commissaries shall be required: and they the same persons and every of them, after such sentence promulgate, shall receive: and them before the people in an high place do to be burnt, that such punishment may strike in fear to the minds of other, whereby no such wicked doctrine and heretical and erroneous opinions, nor their authors and fautors in the said realm and dominions against the catholic faith, christian law, and determination of the holy church (which God prohibit) be sustained or in anywise suffered, in which all and singular the premises concerning the said ordinance and statute, the sheriffs, mayors and bailiffs, of the said counties, cities, boroughs, and towns, shall be attending, aiding and supporting, to the said diocesans and their commissaries.

and burnt for
the terror of
others.

2 HENRY 5, CAP. 7.—*An act for reformation of heresy and lollardy.*
—Item, forasmuch as great rumours, congregations and insurrections, here in the realm of *England* by divers of the king's liege people, as well by them which were of the sect of heresy commonly called lollardy, as by other of their confederacy, excitation, and abetment, now of late were made, to the intent to annul, destroy, and subvert the christian faith, and the law of God and holy church within the same realm of *England*, and also to destroy the same our sovereign lord the king and all other manner of estates of the same realm of *England*, as well spiritual as temporal, and also all manner of policy, and finally the laws of the land: the same our sovereign lord the king, to the honor of God, and in conservation and fortification of the christian faith, and also in salvation of his royal estate, and of the estate of all his realm, willing against the malice of such heretics and lollards to provide a more open remedy and punishment than hath been had and used in the case heretofore, so that for fear of the same laws and punishment, such heresies and lollardies may the rather cease in time to come, by the advice and assent aforesaid, and at the prayer of the said commons, hath ordained and established: that first the chancellor, treasurer, justice of the one bench and of the other, justices of peace, sheriffs, mayors, and bailiffs of cities and towns, and all other officers, having governance of people, which now be or hereafter for the time shall be, shall make an oath in taking of their charges and occupations, to put their whole power and diligence, to put out and do to be put out, cease, and destroy all manner of heresies and errors, commonly called lollardies, within the places where they exercise their offices and occupations from time to time with all their power, and that they assist the ordinaries and their commissaries, and them favor and maintain as often as they or any of them to that shall be required by the same ordinaries or their

Lollards sub-
verting the
christian
faith, and the
government
of church
and state,

against
whom there
is a necessity
of more effec-
tual remedies

Enacted that,
all officers,
at their ad-
mission shall
take an oath
to destroy
lollardy,

and to assist
the ordina-
ries therein.

commissaries, so that when the said officers and ministers travel or ride to arrest any lollard, or to make assistance at the instance and request of the ordinaries or their commissaries by virtue of this statute, that the same ordinaries and commissaries shall pay for their costs reasonably. And that the king's services, to the which the same officers be first sworn, be preferred before all other statutes for the liberty of holy church and the ministers of the same, and in especial for the correction and punishment of the heretics and lollards before this time made and not repealed being in their force. And also that all persons convict of heresy, of what estate, condition or degree that they be, by the said ordinaries or other commissaries left to the secular power according to the laws of holy church, shall lose and forfeit all their lands and tenements, which they have in fee simple in the manner as followeth, that is to say, that the king have all the lands and tenements, which the said convicts have in fee simple, and holden of him immediately as forfeit, and that the other lords, of whom the lands and tenements of such convicts be holden immediately, after that the king is so seized and answered of the year the day and the waste, have livery out of the king's hands of the lands and tenements aforesaid of them so holden, as it hath been used in the case of attainder of felony, except the lands and tenements which be holden of the ordinaries or their commissaries, before whom any such persons impeached of heresy be convict, which lands and tenements entirely shall remain to the king as forfeit. And moreover that all the goods and chattels of these persons so convicted, be forfeit to our sovereign lord the king, so that no person convict of heresy, and left to the secular power after the laws of holy church, shall forfeit his lands before that he be dead. And if any such person so convict be infeoffed, be it by fine, by deed, or without deed, in lands or tenements, rents, or services in fee or otherwise, or hath any other possessions or chattels by gift or grant of any person or persons to another's use, then to the use of such convicts, that the same lands nor tenements, rents nor services, nor such other possessions, nor chattels shall be forfeit to our sovereign lord the king in no wise. And moreover that the justices of the king's bench, and justices of peace, and justices of assize, have full power to inquire of all them which hold any errors or heresies, as lollards, and which be their maintainers, receivers, favourers and sustainers, common writers of such books, as well of the sermons as of their schools, conventicles, congregations, and confederacies. And that this clause be put in commissions of the justices of the peace. And if any persons be indicted of any points aforesaid, the said justices shall have power to award against them a *capias*, and the sheriff shall be bound to arrest the person or persons so indicted as soon as he may them find by him or by his officers. And forasmuch as the cognizance of heresy, errors, and lollardies belongeth to the judges of holy church, and not to secular judges: such persons indicted shall be delivered to the ordinaries of the places or to their commissaries, by indentures betwixt them to be made, within ten days after their arrest, or sooner if it may be, thereof to be acquit or convict by the laws of holy church, in case that these persons be not indicted of another thing, whereof the cognizance belongeth to the secular

Heretics
convict shall
forfeit their
lands,

and goods
and chattels.

The justices
shall have
power to
inquire of
offences
against this
act, and to
award a
capias,

and the of-
fender shall
be delivered
to the ordi-
nary, within
ten days.

who shall not
take the se-
cular indict-
ments in
evidence, but
commence
new process.

The party
may be let to
mainprise.

Every ordi-
nary shall
have com-
missaries, to
receive here-
tics of the
sheriffs,

who shall
impanel
sufficient
juries.

Heretic
breaking
prison shall
forfeit his
goods, lands,
&c. till he
return,

but the heir
may enter af-
ter his death.

judges and officers, in which case, after that they be acquit or delivered before the secular judges of such things, to the secular judges belonging, they shall be sent in safeguard to the said ordinaries, or to their commissaries, and to them delivered by indentures, as before, to be acquit or convict of such lollardies, errors, or heresies, as is aforesaid, after the laws of holy church, and that within the term aforesaid. Provided always that the said indictments be not taken in evidence, but for information before the spiritual judges against such persons so indicted, but that the ordinaries commence their process against such persons indicted in the same manner as though no indictment were, having no regard to such indictments. And if any be indicted of heresy, error, or lollardy, and taken by the sheriff or other officer, he shall be let to mainprise within the said ten days by good surety, for whom the said sheriffs or other officers will answer, so that the said person, or persons, which were so indicted, be ready to be delivered to the said ordinaries, or to their commissaries, before the end of the said ten days, if he may by any means for sickness. And every ordinary shall have sufficient commissaries or commissary dwelling in every county in a place notable, so that if any such person so indicted be taken, that the said commissaries or commissary may be warned in the notable place where he dwelleth, by the sheriff or some of his officers, to come to the king's gaol in the same county, there to receive the same person so indicted by indentures as before. And that in the inquest in this case to be taken, the sheriffs and other officers, to whom it belongeth shall do to be impanelled good and sufficient persons, not suspected nor procured, that is to say, that every of them which shall be so impanelled in such inquest, have within the realm of *England* an hundred shillings of lands, tenements, or of rent by year, upon pain to lose to the king's use ten pounds; and they which shall be impanelled in such inquests in *Wales* every of them shall have to the value of forty shillings by year. And if any such person be arrested, be it by the ordinary or by the king's officers or ministers, and escape or break the prison before that he be acquit before the ordinary, the goods and chattels, which he had the day of such arrest, shall be forfeit to the king, and his lands and tenements, which he had the same day, seized also into the king's hands, the king shall have the profits thereof from the said day until he be yielded to the prison from which he escaped. And that the foresaid justices have full power to inquire of all such escapes, breaking of prison, and also of lands and tenements, goods and chattels of such persons so indicted. Provided also, that if any such person indicted do not return to the said prison, and dieth not convict, it shall be lawful to his heirs to enter into the lands and tenements of their ancestor, without any other pursuit making to the king for this cause, and that all they which have liberties and franchises royal in *England*, as in the county of *Chester*, the county and liberty of *Durham*, and other like, and also all the lords which have jurisdiction and franchises royal in *Wales*, where the king's writs do not run, have power to execute and put in due execution these articles in all points by them or by their officers, in like manner as the justices and other the king's officers before declared should do.

25 HENRY 8, CAP. 14.—*An act for punishment of heresy.*—In most humble wise lamentably sheweth unto your highness, your most humble, loving, and obedient subjects, the commons of this your realm, that where the clergy of the same, in the second year of king *Henry* the fourth, one of your most noble progenitors, upon their suggestion did interpret and obtain by authority of the parliament holden in the said second year, that it should be lawful for every ordinary to convent, arrest, and imprison any person or persons, whom they thought defamed or suspect of heresy, and them to keep in their prisons till they were purged thereof, or abjured, or committed to lay power to be burned, after the determination of the holy church and canonical sanctions, as in an act made at the parliament holden in the said second year of king *Henry* the fourth, amongst other things more at large doth appear: forasmuch as the said act doth not in any part thereof declare any certain cases of heresy contrary to the determination of holy scripture, or the canonical sanctions therein expressed, whereby your most loving and obedient subjects might be learned to eschew the dangers and pains in the said act comprised, and to abhor and detest that foul and detestable crime of heresy. And also because those words canonical sanctions, and such other like contained in the said act, are so general, that unneth the most expert and best learned man of this your realm, diligently lying in wait upon himself, can eschew and avoid the penalty and dangers of the same act and canonical sanctions, if he should be examined upon such captious interrogatories, as is and hath been accustomed to be ministered by the ordinaries of this realm in cases where they will suspect any person or persons of heresy. And over this forasmuch as it standeth not with the right order of justice nor good equity, that any person should be convict, and put to the loss of his life, good name, or goods, unless it were by due accusation and witness, or by presentment, verdict, confession, or process of outlawry: and also by the laws of your realm, for treasons committed to the peril of your most royal majesty, upon whose surety dependeth the whole wealth of this realm, no person can nor may be put to death but by presentment, verdict, confession, or process of outlawry, as is aforesaid. Wherefore it is not reasonable, that any ordinary by any suspicion conceived of his own fancy, without due accusation or presentment, should put any subject of this realm in the infamy and slander of heresy, to the peril of life, loss of name and goods. And that also there be many heresies and pains, and punishment for heresies declared and ordained, in and by the canonical sanctions, and by the laws and ordinances made by the popes or bishops of *Rome*, and by their authorities, for holding, doing, preaching or speaking of things contrary to the said canonical sanctions, laws, and ordinances, which be but human, being mere repugnant and contrarious to the prerogative of your imperial crown, regal jurisdiction, laws, statutes and ordinances of this your realm: by reason whereof your people of the same, observing, maintaining, defending, and due executing of your said laws, statutes and prerogative royal, by authority of that act, made in the said second year of king *Henry* the fourth, may be brought into slander of heresy, to their

Recital of the foregoing st. 2 H. 4, c. 15,

and that it doth not define what shall be heresy,

by which the ignorant are ensnared;

that it is not consistent with law, that ordinaries should put men in peril of life, &c. by declaring them heretics,

and that many things are declared heresy, as being against canons, which are laws merely human, and some of them against the laws of the land,

Stat. 2 H. 4,
c. 15, shall
be repealed,

and 5 R. 2.
and 2 H. 5,
revived.

Any person
having lands
worth forty
shillings a
year may be
impannelled
to present
heresies.

Stewards in
their leets
may inquire
of heretics,
and certify to
the ordinary.

and process
shall be made
as before jus-
tices.

Nothing in
the statutes
revived, &c.
shall warrant
licences from
Rome.

great infamy and danger, and peril of their lives. In consideration whereof it may please your highness, by the assent of your lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same to annul, abrogate, frustrate, and make void the said act, made in the second year of king *Henry* the fourth, and every thing therein contained. And nevertheless, forasmuch as the most foul and detestable crime of heresy, should not hereafter grow and increase, but utterly be abhorred, detested, and eradicate, nor that any heretics should be favored, but that they should have condign and sufficient punishment: and for the repress of heretics, and such erroneous opinions in time coming: be it established, ordained and enacted, by the authority of this present parliament, that the statute made in the fifth year of your noble progenitor king *Richard* the second, and the statute made in the second year of king *Henry* the fifth, concerning punishment and reformation of heretics and lollards, and every provision therein contained, not being repugnant to this act, shall be and stand in their force, strength and effect.

II. Provided always, and be it enacted for speedy presentment to be had of heresies that such person and persons, as have in use or in possession to their own use, in fee simple, fee tail, for term of their own lives, or of any other person's life, lands, and tenements, to the clear yearly value of forty shillings, shall be impannelled, and have power and authority to inquire and present heresies. And that every presentment made by such persons, shall be as good and effectual, and be put in execution to all intents, in like manner and form, as if every the presenters had had lands and tenements, to the yearly value of a hundred shillings, according to the tenor of the said act of king *Henry* the fifth, any thing in the said act to the contrary thereof notwithstanding.

III. Provided also, and be it enacted by authority aforesaid, that sheriffs in their turns, and all other having turns, and stewards in their leets, rapes and wapentakes, shall have power and authority to inquire of heretics like as they inquire of common annoyances, and that every presentment made in any turn, leet, rape, or wapentake concerning heresies, shall be certified to the ordinary, in such manner and form as presentments afore any justice assigned by the said act of king *Henry* the fifth, are limited and appointed by the same act to be certified: and like process shall be had, made and executed, upon every such presentment to be made in any turn, leet, rape, or wapentake, as is limited in the said act of king *Henry* the fifth, upon presentments taken afore the justices assigned by the same act to inquire of heresies.

IV. Provided always, and be it enacted, that no manner of licence or authority, or other thing or things be hereafter had or obtained of the bishop of *Rome*, otherwise called the pope, to preach in any part of this realm, or to do any thing in the same contrary to the laws and statutes of this realm, or the king's prerogative royal, upon the pains limited in the said laws and statutes of this realm: any thing contained in the preamble of the said statute of king *Richard* the second, or in any the statutes before rehearsed, or in any statutes of this realm to the contrary thereof notwithstanding.

V. And be it further enacted by the authority aforesaid, that every person and persons being presented or indicted of any heresy, or duly accused or detected thereof by two lawful witnesses at the least, to any ordinaries of this realm, having power to examine heresies, shall and may after every such accusation or presentment, and none otherwise, nor by any other means be cited, convented, arrested, taken or apprehended by any of the said ordinaries, or any other the king's ministers and subjects whomsoever. And after they shall be so taken and apprehended, shall be committed to the ordinaries, to answer in open court, and in an open place to their such accusation and presentments. And if they shall happen to be lawfully convict of the heresy, whereof they are so accused or presented: that then they shall abjure if they will refuse and renounce their said heresies, whereof they shall be so accused or presented as is aforesaid, and do such reasonable penance for their offences, as shall be limited by the discretion of the said ordinaries. And if they after their lawful conviction, refuse to abjure, or after abjuration fall into relapse, and be duly accused or presented, and convict thereof, as is aforesaid, that then in such cases they shall be committed to lay power, to be burned in open places for example of other, as hath been accustomed, the king's writ *de hæretico comburendo*, first had and obtained for the same.

Any person accused by two witnesses, may be brought before the ordinary,

and, being convict of heresy, and refusing to abjure, or relapsing,

shall be committed to the lay power, and burnt.

VI. And where the great number of the king's subjects, having little or no learning nor knowledge of letters, have been put in opinion, that by divers laws, decrees, ordinances, and constitutions heretofore made by the bishop of *Rome*, called the pope, and his predecessors, or by their authorities for the advancement of their worldly glory and ambition, every man, that in anything speaketh or doth against the said pretended power, or authority of the same bishop of *Rome*, or any the said laws, decrees, ordinances, and constitutions, standeth in danger, and is impeachable of heresy: which effect or matter, nor any such laws, decrees, ordinances or constitutions, not approved and confirmed by holy scripture, was never commonly accepted or confirmed to be any law of God or man within this realm. Wherefore be it enacted and ordained by authority of this present parliament, that no manner speaking, doing, communication, or holding against the said bishop of *Rome*, or his pretended power or authority, made or given by human laws or policies, and not by holy scripture: nor any speaking, doing, communication or holding against any laws, called spiritual laws, made by authority of the see of *Rome*, by the policy of men, which be repugnant or contrary to the laws and statutes of this realm or the king's prerogative royal, shall be deemed, reputed, accepted, or taken to be heresy. Nor that any subject or residant of this realm shall be for any such speaking, doing, communication, or holding, impeached, vexed, or troubled for any point or matter of the said detestable crime of heresy; any whatsoever canon, laws, decrees, ordinances, constitutions, or other thing heretofore made, or being, or hereafter to be made, to the contrary thereof notwithstanding.

The delusion of believing it heresy, to speak against the papal authority and decrees,

for which no person shall be impeached of heresy.

VII. Provided alway, that such person and persons, as shall happen to be accused, presented, or indicted of heresy, as is afore limited by this act, shall and may be letten to bail by the ordinaries

Persons accused of heresy may be bailed,

unless the
ordinary
shew reason-
able cause to
king and
council.

by their discretions, or else in their default, if they refuse so to do, then by the discretion of two justices of peace of that shire, where such persons so accused or presented, shall inhabit, by four sufficient sureties to be bounden to the king's use by obligations or recognizance, to appear before the ordinaries at such days, times and places, as shall be limited in the said bonds by the said ordinaries, or in their defaults by the said two justices; except the ordinary can and do declare unto the king's highness, and to his council, a reasonable cause, that the said person or persons so accused or presented of heresy, should not be let to bail, as is afore limited.

31 HENRY 8, CAP. 14.—*An act for abolishing of diversity of opinions in certain articles concerning christian religion.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 161.

34 & 35 HENRY 8, CAP. 1, SEC. 19.—*An act for the advancement of the true religion, and for the abolishment of the contrary.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 176.

1 EDWARD 6, CAP. 12, SEC. 3.—*An act for the repeal of certain statutes concerning treasons and felonies.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 179.

Reviver of
the three
statutes
concerning
heresy.
5 R. 2.
2 H. 4, and
2 H. 5.

1 & 2 PHILIP & MARY, CAP. 6.—*An act for the reviving of three statutes made for the punishment of heresies.*—For the eschewing and avoiding of errors and heresies, which of late have risen and grown and much increased within this realm, for that the ordinaries have wanted authority to proceed against those that were infected therewith. Be it therefore ordained and enacted by the authority of this present parliament, that the statute made in the fifth year of the reign of king *Richard* the second, concerning the arresting and apprehension of erroneous and heretical preachers, and one other statute, made in the second year of the reign of king *Henry* the fourth, concerning repressing of heresies, and punishment of heretics, and also one other statute made in the second year of the reign of king *Henry* the fifth, concerning the suppression of heresy and lollardy, and every article, branch and sentence contained in the same three several acts, and every of them, shall from the twentieth day of *January* next coming be revived, and be in full force, strength and effect, to all intents, constructions and purposes, for ever.

1 ELIZABETH, CAP. 1, SECS. 15, 18, 35, 36.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 146.

29 CHARLES 2, CAP. 9.—*An act for taking away the writ de hæretico comburendo.*—See Title—"WRITS."

SPACE LEFT
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

HIGH COMMISSION COURT.

1 ELIZABETH, CAP. 1, SEC. 18.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—“APPEALS TO THE SEE OF ROME,” vol. i. p. 147.

16 CHARLES 1, CAP. 11.—*A repeal of the branch of a statute primo Elizabethæ, concerning commissioners for causes ecclesiastical.*—

Whereas in the parliament holden in the first year of the reign of the late queen *Elizabeth* late queen of *England*, there was an act made and established, intituled, *an act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same*; in which act amongst other things, there is contained one clause, branch, article or sentence, whereby it was enacted to this effect; namely, that the said late queen's highness, her heirs and successors, kings or queens of this realm, should have full power and authority by virtue of that act, by letters patents under the great seal of *England*, to assign, name and authorize, when and as often as her highness, her heirs or successors, should think meet and convenient, and for such and so long time as should please her highness, her heirs or successors, such person or persons being natural born subjects to her highness, her heirs or successors, as her majesty, her heirs or successors, should think meet to exercise, use, occupy and execute under her highness, her heirs and successors, all manner of jurisdictions, privileges and preeminence, in anywise touching or concerning any spiritual or ecclesiastical jurisdiction within these her realms of *England*, and *Ireland*, or any other her highness' dominions and countries, and to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm: and that such person or persons so to be named, assigned, authorized and appointed by her highness, her heirs or successors, after the said letters patents to him or them made and delivered as aforesaid, should have full power and authority, by virtue of that act, and of the said letters patents, under her highness, her heirs or successors, to exercise, use and execute all the premises, according to the tenor and effect of the said letters patents; any matter or cause to the contrary in anywise notwithstanding.

II. And whereas by color of some words in the aforesaid branch of the said act, whereby commissioners are authorized to execute their commission according to the tenor and effect of the king's letters patents, and by letters patents grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression

1 Eliz. c. 1,
s. 18.

High
commission
court.

of the king's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that act, and divers other great mischiefs, and inconveniencies have also ensued to the king's subjects, by occasion of the said branch and commissions issued thereupon, and the executions thereof: therefore for the repressing and preventing of the foresaid abuses, mischiefs and inconveniences in time to come;

The said
branch of the
1 Eliz. c. 1,
repealed.

III. Be it enacted by the king's most excellent majesty, and the lords and commons in this present parliament assembled, and by the authority of the same, that the foresaid branch, clause, article or sentence, contained in the said act, and every word, matter and thing contained in that branch, clause, article or sentence, shall from henceforth be repealed, annulled, revoked, annihilated and utterly made void for ever; any thing in the said act to the contrary in anywise notwithstanding.

Power taken
away from
archbishops,
bishops and
other eccle-
siastical
persons and
courts.

IV. And be it also enacted by the authority aforesaid, that no archbishop, bishop nor vicar-general, nor any chancellor, official nor commissary of any archbishop, bishop or vicar-general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer or minister of justice, nor any other person or persons whatsoever, exercising spiritual or ecclesiastical power, authority or jurisdiction, by any grant, licence or commission of the king's majesty, his heirs or successors, or by any power or authority derived from the king, his heirs or successors or otherwise, shall from and after the first day of *August*, which shall be in the year of our Lord God one thousand six hundred forty and one, award, impose or inflict any pain, penalty, fine, amerciamment, imprisonment or other corporal punishment upon any of the king's subjects, for any contempt, misdemeanor, crime, offence, matter or thing whatsoever, belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any churchwarden, sideman or other person whatsoever, any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime, or offence, or to confess or to accuse himself or herself of any crime, offence, delinquency or misdemeanor, or any neglect, matter or thing, whereby or by reason whereof he or she shall or may be liable or exposed to any censure, pain, penalty or punishment whatsoever; upon pain and penalty that every person who shall offend contrary to this statute, shall forfeit and pay treble damages to every person thereby grieved, and the sum of one hundred pounds to him or them who shall first demand and sue for the same; which said treble damages and sum of one hundred pounds, shall and may be demanded and recovered by action of debt, bill or plaint, in any court of record, wherein no privilege, essoin, protection or wager of law shall be admitted or allowed to the defendant. And be it further enacted, that every person who shall be once convicted of any act or offence prohibited by this statute, shall for such act or offence be from and after such conviction, utterly disabled to be or continue in any office or employment in any court of justice whatsoever, or to exercise or execute any power, authority or jurisdiction by force of any commission or letters patents of the king, his heirs or successors.

3 Cr. 262.

Penalty, tre-
ble damages,
and one hun-
dred pounds.

Offenders
convicted,
disabled
from any
office or em-
ployment by
the king's
letters pa-
tents.

V. And be it further enacted, that from and after the said first day of *August*, no new court shall be erected, ordained or appointed within this realm of *England* or dominion of *Wales*, which shall or may have the like power, jurisdiction or authority, as the said high commission court now hath or pretendeth to have; but that all and every such letters patents, commissions and grants, made or to be made by his majesty, his heirs or successors, and all powers and authorities granted, or pretended or mentioned to be granted thereby, and all acts, sentences and decrees to be made by virtue or colour thereof, shall be utterly void and of none effect. [Repealed by 13 Car. 2, stat. 1, cap. 12, sec. 2, except as to the high commission court, &c.]

No new court
to be erected
with the like
power.

13 CHARLES 2, STAT. 1, CAP. 12.—*An act for explanation of a clause contained in an act of parliament made in the seventeenth year of the late king Charles, intituled, an act for repeal of a branch of a statute primo Elizabethæ, concerning commissioners for causes ecclesiastical.*—Whereas in an act of parliament made in the seventeenth year of the late king *Charles*, intituled, *an act for repeal of a branch of a statute primo Elizabethæ, concerning commissioners for causes ecclesiastical*, it is (amongst other things) enacted, that no archbishop, bishop nor vicar-general, nor any chancellor nor commissary of any archbishop, bishop or vicar-general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer or minister of justice, nor any other person or persons whatsoever, exercising spiritual or ecclesiastical power, authority or jurisdiction, by any grant, licence or commission of the king's majesty, his heirs or successors, or by any power or authority derived from the king, his heirs or successors, or otherwise, shall (from and after the first day of *August*, which then should be in the year of our Lord God one thousand six hundred forty-one) award, impose or inflict any pain, penalty, fine, amerciamment, imprisonment, or other corporal punishment upon any of the king's subjects, for any contempt, misdemeanor, crime, offence, matter or thing whatsoever, belonging to spiritual or ecclesiastical cognizance or jurisdiction; whereupon some doubt hath been made, that all ordinary power of coercion and proceedings in causes ecclesiastical were taken away, whereby the ordinary course of justice in causes ecclesiastical hath been obstructed: be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, and by the authority thereof, that neither the said act, nor any thing therein contained, doth or shall take away any ordinary power or authority from any of the said archbishops, bishops, or any other person or persons named as aforesaid, but that they and every of them exercising ecclesiastical jurisdiction, may proceed, determine, sentence, execute and exercise all manner of ecclesiastical jurisdiction, and all censures and coercions appertaining and belonging to the same before the making of the act before recited, in all causes and matters belonging to ecclesiastical jurisdiction, according to the king's majesty's ecclesiastical laws used and practised in this realm, in as ample manner and form, as they did and might lawfully have done before the making of the said act.

16 Car. 1,
c. 11.

The ordinary
power of
archbishops,
&c. not taken
away.

May use
ecclesiastical
jurisdiction.

The statute
16 Car. 1,
c. 11, repeal-
ed as to all,
except what
concerns
the high
commission
court.

Proviso.

1 Eliz. c. 1,
s. 18.

Proviso
touching
the oath *ex*
officio.
1 Mod. 185.
12 Rep. 26.

Proviso not
to give any
other juris-
diction to
any archbi-
shop, &c.
than they
had by law
before the
year 1639.
The king's
supremacy in
ecclesiastical
matters.
Canons ec-
clesiastical.

II. And be it further enacted by the authority aforesaid, that the afore recited act of decimo septimo *Caroli*, and all the matters and clauses therein contained (excepting what concerns the high commission court, or the new erection of some such like court by commission) shall be and is hereby repealed, to all intents and purposes whatsoever; any thing, clause or sentence in the said act contained to the contrary notwithstanding.

III. Provided always, and it is hereby enacted, that neither this act, nor any thing herein contained, shall extend or be construed to revive or give force to the said branch of the said statute made in the said first year of the reign of the said late queen *Elizabeth*, mentioned in the said act of parliament made in the said seventeenth year of the reign of the said king *Charles*, but that the said branch of the said statute made in the said first year of the reign of the said late queen *Elizabeth*, shall stand and be unrepealed in such sort as if this act had never been made.

IV. Provided also, and it is hereby further enacted, that it shall not be lawful for any archbishop, bishop, vicar-general, chancellor, commissary, or any other spiritual or ecclesiastical judge, officer or minister, or any other person having or exercising spiritual or ecclesiastical jurisdiction, to tender or administer unto any person whatsoever, the oath usually called the oath *ex officio*, or any other oath whereby such person to whom the same is tendered or administered may be charged or compelled to confess or accuse, or to purge him or herself of any criminal matter or thing, whereby he or she may be liable to any censure or punishment; any thing in this statute, or any other law, custom or usage heretofore to the contrary hereof in anywise notwithstanding.

V. Provided always, that this act, or any thing therein contained, shall not extend or be construed to extend to give unto any archbishop, bishop, or any other spiritual or ecclesiastical judge, officer or other person or persons aforesaid, any power or authority to exercise, execute, inflict or determine any ecclesiastical jurisdiction, censure or coercion, which they might not by law have done before the year of our Lord one thousand six hundred thirty-nine; nor to abridge or diminish the king's majesty's supremacy in ecclesiastical matters and affairs, nor to confirm the canons made in the year one thousand six hundred forty, nor any of them, nor any other ecclesiastical laws or canons not formerly confirmed, allowed or enacted by parliament, or by the established laws of the land, as they stood in the year of our Lord one thousand six hundred thirty-nine.

WILLIAM & MARY, SESS. 2, CAP. 2.—*An act declaring the rights and liberties of the subject, and settling the succession of the crown.*—See Title—"BILL OF RIGHTS," vol. i. p. 281.

HOLY ORDERS.

13 ELIZABETH, CAP. 12, SEC. 5.—*An act for the ministers of the church to be of sound religion.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 181.

31 ELIZABETH, CAP. 6, SEC. 10.—*An act against abuses in election of scholars, and presentation to benefices.*—See Title—"UNIVERSITIES."

16 CHARLES 1, CAP. 27.—*An act for disabling all persons in holy orders to exercise any temporal jurisdiction or authority.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 532.

13 CHARLES 2, CAP. 2.—*An act for repeal of an act of parliament, intituled, an act for disabling all persons in holy orders to exercise any temporal jurisdiction or authority.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 540.

13 & 14 CHARLES 2, CAP. 4, SECS. 13 & 14.—*An act for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the church of England.*—See Title—"UNIFORMITY."

24 GEORGE 3, SESS. 2, CAP. 35.—*An act to empower the bishop of London for the time being, or any other bishop to be by him appointed, to admit to the order of deacon or priest, persons being subjects or citizens of countries out of his majesty's dominions, without requiring them to take the oath of allegiance as appointed by law.*—Whereas, by the laws of this realm, every person who shall be admitted to holy orders is to take the oath of allegiance in manner thereby provided: and whereas there are divers persons, subjects or citizens of countries out of his majesty's dominions, inhabiting and residing within the said countries, who profess the public worship of Almighty God according to the liturgy of the church of *England*, and are desirous that the word of God, and the sacraments, should continue to be administered unto them according to the said liturgy, by subjects or citizens of the said countries, ordained according to the form of ordination in the church of *England*: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, it shall and may be lawful to and for the bishop of *London* for the time being, or any other bishop by him to be appointed, to admit to the order of deacon or priest, for the purposes aforesaid, persons being subjects or citizens of countries out of his majesty's dominions, without requiring them to take the oath of allegiance.

Preamble.

The bishop of London, or any other bishop by him appointed, may admit aliens to the order of deacon or priest, without their taking the oath of allegiance.

II. Provided always, and be it hereby declared, that no person, ordained in the manner hereinbefore provided only, shall be thereby enabled to exercise the office of deacon or priest within his majesty's dominions.

Persons so ordained, not to exercise their office in his majesty's dominions.

The name and country, &c. of the person ordained to be inserted in the letters testimonial.

III. Provided always, and be it further enacted, that in the letters testimonial of such orders, there shall be inserted the name of the person so ordained, with the addition of the country whereof he is a subject or citizen, and the further description of his not having taken the said oath of allegiance, being exempted from the obligation of so doing by virtue of this act.

No person ordained a priest or deacon, or being a minister of the church of Scotland, shall be capable of being elected a member of the house of commons. The election of such person shall be void; and if any person after his election shall be ordained a priest, &c. he shall vacate his seat.

41 GEORGE 3, CAP. 63.—*An act to remove doubts respecting the eligibility of persons in holy orders to sit in the house of commons.*—

Whereas it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the house of commons, and also to make effectual provision for excluding them from sitting therein; be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no person having been ordained to the office of priest or deacon, or being a minister of the church of *Scotland*, is or shall be capable of being elected to serve in parliament as a member of the house of commons.

Penalty for sitting or voting in either case.

II. And be it further declared and enacted, that if any person, having been ordained to the office of priest or deacon, or being a minister of the church of *Scotland*, shall hereafter be elected to serve in parliament as aforesaid, such election and return shall be void; and that if any person, being elected to serve in parliament as a member of the house of commons, shall, after his election, be ordained to the office of priest or deacon, or become a minister of the church of *Scotland*, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the house of commons, he shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his majesty's courts at *Westminster*; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; and every person against whom any such penalty or forfeiture shall be recovered by virtue of this act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion ecclesiastical, and of taking, holding, or enjoying any office of honor or profit under his majesty, his heirs or successors: provided always, that nothing in this act contained shall extend, or be construed to extend, to make void any election of a person to serve as a member of the house of commons, which election shall have taken place before the passing of this act.

Elections before the passing of this act shall not be void.

Limitation of actions.

III. Provided also, and be it enacted, that no person shall be liable to any forfeiture or penalty inflicted by this act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

What proof shall be primâ facie sufficient.

IV. And be it further enacted, that proof of the celebration of divine service, according to the rites of the church of *England*, or of the church of *Scotland*, in any church or chapel consecrated or set

apart for public worship, shall be deemed and taken to be *prima facie* evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the church of *Scotland*, within the intent and meaning of this act.

44 GEORGE 3, CAP. 43.—*An act to enforce the due observance of the canons and rubric respecting the ages of persons to be admitted into the sacred orders of deacon and priest.*—Whereas by the canons of the churches heretofore of *England* and *Ireland*, now the united church of *England* and *Ireland*, it is ordained, ordered, and directed, that no bishop shall admit any person into the sacred order of a deacon who is not twenty-three years old, nor to be a priest except he be twenty-four years complete: and whereas by the prefaces to the forms of ordination of priests and deacons, established and used by authority of several acts of the parliaments of *England* and *Ireland* respectively, it is directed that none shall be admitted deacon except he be twenty-three years of age, unless he have a faculty, and that every man which is to be admitted a priest shall be full twenty-four years old: and whereas, in that part of the united kingdom called *Ireland*, the aforesaid rule respecting the ages of persons desiring to be admitted into holy orders has been sometimes disregarded and rendered of no effect, to the great scandal and detriment of the church, and to the prejudice of religion: for the better prevention whereof for the future, and also in order that one certain and undoubted rule and course of practice may hereafter prevail and be observed in this respect in *England* and *Ireland*, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, no person shall be admitted a deacon before he shall have attained the age of three and twenty years complete, and that no person shall be admitted a priest before he shall have attained the age of four and twenty years complete: and in case any person shall, from and after the passing of this act, be admitted a deacon before he shall have attained the age of three and twenty years complete, or be admitted a priest before he shall have attained the age of four and twenty years complete, that then and in every such case the admission of every such person as deacon or priest respectively, shall be merely void in law as if such admission had not been made, and the person so admitted shall be wholly incapable of having, holding, or enjoying, or being admitted to any parsonage, vicarage, benefice, or other ecclesiastical promotion or dignity whatsoever, in virtue of such his admission as deacon or priest respectively, or of any qualification derived or supposed to be derived therefrom: provided always, that no title to confer or present by lapse shall accrue by any avoidance or deprivation, *ipso facto*, by virtue of this statute, but after six months' notice of such avoidance or deprivation given by the ordinary to the patron.

None shall be admitted deacon before 23, nor priest before 24; nor capable of holding a benefice; but title by lapse shall not accrue without notice.

II. And be it further enacted, that nothing herein contained shall extend, or be construed to extend, to take away any right of granting faculties heretofore lawfully exercised, and which now be lawfully exercised by the archbishop of *Canterbury* or the archbishop of *Armagh*.

Saving of right of granting faculties.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

HOLY ORDERS FOR THE COLONIES.

59 GEORGE 3, CAP. 60.—*An act to permit the archbishops of Canterbury and York, and the bishop of London, for the time being, to admit persons into holy orders specially for the colonies.*—Whereas it is expedient that the archbishops and bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his majesty's foreign possessions, although such persons may not be provided with the title required by the canon of the church of *England*, of such as are to be made ministers: and whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates or chaplains; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for the archbishop of *Canterbury*, the archbishop of *York* or the bishop of *London*, for the time being, or any bishop specially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall upon examination deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his majesty's colonies or foreign possessions and residing therein, and that a declaration of such purpose and a written engagement to perform the same under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls in his majesty's foreign possessions.

Archbishop of Canterbury or York, or bishop of London, &c. may ordain specially for the colonies.

Fact stated in letters of ordination.

II. Provided always, and be it further enacted by the authority aforesaid, that no person so admitted into the holy orders of deacon or priest, for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his majesty's foreign possessions, shall be capable of having, holding or enjoying, or of being admitted to any parsonage, vicarage, benefice or other ecclesiastical promotion or dignity whatsoever, within the united kingdom of *Great Britain* and *Ireland*, or of acting as curate therein, without the previous consent and approbation in writing of the bishop of the diocese, under his hand and seal, in which any such parsonage, vicarage, benefice or other ecclesiastical promotion or dignity shall be locally situated, nor without the like consent and approbation of such one of the said archbishops, or bishop of *London*, by whom, or by whose authority such person shall have been originally ordained, or in case of the demise or translation of such archbishop or bishop, of his successor in the same see: provided always, that no such consent

No person so ordained capable of holding a living in Great Britain or Ireland without consent of bishop of diocese, under seal, &c.

Certificate of good behaviour first produced.

and approbation shall be given by any such archbishop, or bishop of *London*, unless the party applying for the same shall first produce a testimony of his good behaviour during the time of his residence abroad, from the bishop in whose diocese he may have officiated, or in case there be no bishop, from the governor in council of the colony in which he may have been resident, or from his majesty's principal secretary of state for the colonial department.

Persons ordained by bishops of Quebec, Nova Scotia or Calcutta, &c. restrained in like manner.

III. And be it further enacted, that from and after the passing of this act no person who shall have been admitted into holy orders by the bishops of *Quebec*, *Nova Scotia* or *Calcutta*, or by any other bishop or archbishop than those of *England* or *Ireland*, shall be capable of officiating in any church or chapel of *England* or *Ireland* without special permission from the archbishop of the province in which he proposes to officiate, or of having, holding or enjoying, or of being admitted to any parsonage or other ecclesiastical preferment in *England* or *Ireland*, or of acting as curate therein, without the consent and approbation of the archbishop of the province, and also of the bishop of the diocese in which any such parsonage or ecclesiastical preferment or curacy may be situated.

Persons ordained by a colonial bishop, &c. not capable of holding preferment, &c.

IV. Provided always, that no person who after the passing of this act shall have been ordained a deacon or priest by a colonial bishop, who at the time of such ordination did not actually possess an episcopal jurisdiction over some diocese, district or place, or was not actually residing within such division, district or place, shall be capable in any way, or on any pretence whatever, of at any time holding any parsonage or other ecclesiastical preferment within his majesty's dominions, or of being a stipendiary curate or chaplain, or of officiating at any place, or in any manner, as a minister of the established church of *England* and *Ireland*.

Admissions, &c. to curacies, contrary hereto, void.

V. And be it further enacted, that all admissions, institutions and inductions to benefices in the church of *England*, or church of *Ireland*, and all appointments to act as curates therein, which shall be made contrary to the provisions of this act, shall be to all intents and purposes null and void: provided always that nothing herein shall be construed to make void any admission, institution or induction to any benefice, or any appointment as curate, which shall have been made previous to the passing of this act.

Proviso.

Proviso for 26 G. 3. c. 84.

VI. Provided always, that nothing in this act contained shall be construed to affect or to repeal any of the provisions of an act passed in the twenty-sixth year of the reign of his present majesty, intituled *an act to empower the archbishop of Canterbury, or the archbishop of York for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his majesty's dominions.*

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

HOSPITALS.

2 HENRY 5.—*Our lord the king, at his parliament holden at Leicester the last day of April, the second year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of his realm in the same parliament assembled, hath ordained and established divers ordinances, declarations, and statutes, made in the form as followeth :—*

2 HENRY 5, CAP. 1.—*Ordinaries shall inquire of, and reform the estates of hospitals.*—First, forasmuch as many hospitals within the realm of *England*, founded as well by the noble kings of this realm, and lords and ladies both spiritual and temporal, as by divers other estates, to the honor of God and of his glorious mother, in aid and merit of the souls of the said founders, to the which hospitals the same founders have given a great part of their moveable goods for the buildings of the same, and a great part of their lands and tenements, therewith to sustain impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same, be now for the most part decayed, and the goods and profits of the same, by divers persons, as well spiritual as temporal, withdrawn and spent in other use, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God, and peril of the souls of such manner of spenders: the king our sovereign lord, considering the meritorious and devout intents of the founders aforesaid, and the unaccustomed government in the same, hath by the advice and assent aforesaid, ordained and established, that as to the hospitals which be of the patronage and foundation of the king, the ordinaries, by virtue of the king's commissions to them directed, shall inquire of the manner and foundation of the said hospitals, and of the governance and estate of the same, and of all other matters necessary and requisite in this behalf, and the inquisitions thereof taken, shall certify in the king's chancery. And as to other hospitals which be of another foundation and patronage than of the king, the ordinaries shall inquire of the manner of the foundation, estate, and governance of the same, and of all other matters and things necessary in this behalf, and upon that make thereof correction and reformation according to the laws of holy church, as to them belongeth.

2 HENRY 6, CAP. 2.—*A remedy for the master, &c., of the hospital of Saint Leonard in York, to recover a thrave of corn due to them, &c.*

—Item, whereas the hospital of *Saint Leonard* of *York*, which is of the foundation of the progenitors of our said lord the king, late kings of *England*, and of his patronage, in the first foundation of the same, was endowed, by the said progenitors of the king, of a thrave of corn to be taken yearly of every plough earing within the counties of *York*, *Cumberland*, *Westmorland*, and *Lancaster*, within the county of *York*, of which thraves the master and brethren of the said hospital, and their predecessors have been seized, the time whereof runneth no memory, as parcel of the first foundation of the

The causes
of the erec-
tion of hos-
pitals.

The hospital
of St. Leonard
in York was
endowed of a
thrave of
corn of every
plough ear-
ing within
the counties
of York,
Cumber-
land, and
Westmor-
land, and
Lancaster.

The remedy which the masters of St. Leonard's hospital shall have to recover their duties.

A remedy for the proprietors which have compounded with the master and brethren.

Relief given in hospitals, excepted in the act against beggars.

Another proviso to the same effect.

Where no visitor of a hospital is appointed, and the founder dead, the bishop shall visit, yearly; but the founder being alive, shall visit himself.

said hospital, and the same they have levied and gathered at the feast of *Saint Martin* in winter every year, till now late that divers people of the said counties, within the province aforesaid, have withholden the same thraves, whereof the said master and brethren have no sufficient nor covenable remedy at the common law, to the great damage of the said hospital, and open subtraction of the sustenance of the said master and brethren, if remedy be not for them provided, as complaint was thereof made in the said parliament: the king considering the premises, of the assent and request aforesaid, hath ordained and established, that the said master and brethren, and their successors for the time being, may levy, gather, and take the said thraves within the province aforesaid, in the places where they ought of right, and were wont, after the custom and usage had in the same places heretofore. And also that the same masters and successors for the time being shall from time to time have actions by writs or complaints of debt or detinue at their pleasure, against all them and every of them that detain the same thraves so of right due to the said hospital, or any part of them, to recover the said thraves against them, and every of them, with their damages in this behalf.

II. Provided always, that the parties with whom the said master and brethren, or their predecessors, be accorded for such thraves by compositions made and sealed betwixt them, shall of no more be charged than is comprised within the same compositions, for the possessions that the said parties had at the time of the making of the aforesaid compositions.

22 HENRY 8, CAP. 12, SEC. 20.—*An act concerning how aged, poor, and impotent persons, &c., shall be ordered, &c.*

XX. Provided also, that it be lawful to all masters and governors of hospitals, to lodge and harbour any person or persons of charity or alms, according to the foundation of such hospitals, and to give money in alms in as large manner and form, as they are bound or ought to do; any thing in this statute to the contrary hereof notwithstanding.

13 ELIZABETH, CAP. 10, SEC. 3.—*Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidation shall be void, &c.*—See Title—"DILAPIDATIONS," vol. ii. p. 495.

14 ELIZABETH, CAP. 5, SECS. 8 & 30.—*An act for the relief of the poor and impotent.*

VIII. Provided also, that it shall be still lawful to all masters and governors of the hospitals, to lodge and harbour any impotent or aged person or persons of charity or alms, according to their foundation, and to give money in alms, in as large manner as they are bound to do by their foundation, to any such aged or impotent person, any thing herein contained to the contrary in anywise notwithstanding.

XXX. And be it further enacted by the authority aforesaid, that the bishop of every diocese, or his chancellor for the time being, shall yearly visit all hospitals in the diocese of such bishop, where no visitor by the founder or founders is appointed, if the founder of the said hospital be then dead, and to see and take order, that the said hospitals be ordered and used according to the statutes and ordinances of the foundation thereof; and if the founder be then living, the said founder to visit the same during his life without any

the bishop's visitation, and the same visitation, to be at the only costs and charges of the visitors, and not of the hospital: and that it shall be lawful to the bishop of the diocese for the time being, where such hospital is or shall be, or his chancellor, upon complaint or other intelligence of just cause, to take account how the rents, revenues, and profits of any such hospital hath been bestowed and spent, to call before him or them at the said hospital to account, all such person and persons as have had the collection or receipt of any the said rents, issues, revenues or profits. And if any person or persons so called, shall and do refuse to account, or entering into account shall refuse to proceed and finish the same, or upon the finishing thereof, shall refuse forthwith to employ or answer to the use of the said hospital such sum or sums of money, as upon the same account shall appear to be due by him, that then every such person and persons so refusing, shall forfeit and lose such sum and sums of money, as to the said bishop or chancellor, and to two justices of the peace next inhabiting to the said hospital, shall be thought meet and convenient, to which account the said bishop or chancellor shall call the same two justices of peace.

Upon complaint, the bishop may examine the accounts of hospitals, and in case of irregularity, shall order according to justice.

14 ELIZABETH, CAP. 14.—*An act for the assurance of gifts, grants, &c. made and to be made to and for the relief of the poor in the hospitals, &c.*—Where our late sovereign lord of famous memory king *Edward* the sixth, by his letters patents dated the twenty-sixth day of *June* in the seventh year of his most gracious reign, did found, erect, and establish three hospitals in and near to the city of *London*, called the hospitals of king *Edward* the sixth, of *Christ, Bridewell*, and *Saint Thomas* the Apostle; and by his said letters patents gave and granted power and liberty for purchasing of lands, tenements and hereditaments for the relief and sustentation of the poor in the said hospitals, as by the said letters patents more plainly appeareth. And whereas also our late sovereign king *Henry* the eighth, by his letters patents dated the thirteenth of *January* in the thirty-eighth year of his reign, did found an hospital in *West Smithfield*, called *Little Saint Bartholomew's*, near *London*. And whereas divers well-disposed and charitable persons have given lands, tenements and hereditaments, to the relief and sustentation of the poor, not only in the said hospitals, but also in other hospitals. And as it is hoped many more hereafter will likewise charitably give, and where many of such gifts and assurances have been and are likely to be made by the last wills of the givers thereof, at which time for want of counsel or other opportunities, it may happen that the right name of the said corporation hath not or shall not be truly named or expressed, whereby may grow some question of the validity of such grants, gifts or devises: be it therefore enacted by the queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all gifts, grants, legacies, devises and assurances made or to be made of any lands, tenements and hereditaments, by will, feoffments, or otherwise, to the use or for the relief of the poor in any hospital now remaining and being in *esse*, and employed to the relief or maintenance of the poor in the said hospitals, or any of them, shall be as good and available in law, according to the true meaning of

13 Eliz. c. 10,
s. 3.

Burn, vol. 2
—201.

any such donor, grantor, testator, deviser or assurer, as if the said corporation had been or were in the writings or deeds of such gifts, grants, devise or assurance, or in such last will or testament, rightly or truly named; any such misnaming, misreciting, or not true naming or reciting of the said corporation to the contrary notwithstanding: saving to all and every person and persons, bodies politic and corporate, their heirs and successors, other than such donor, grantor, testator, deviser and assurer, their heirs and successors, all such right, title and interest, as they or any of them have or shall have in or to any lands, tenements or hereditaments so given, granted, devised or assured, as if this act had never been had nor made. And where in the last parliament holden at *Westminster* it was provided and enacted among other things, that from henceforth all leases, gifts, grants, feoffments, conveyances or estates, to be had, made or suffered by any master and fellows of any college, dean and chapter of any cathedral church, master or guardian of any hospital, parson, vicar, or any other having any spiritual living of any house, lands, tenements or hereditaments, parcel of the possession of any such college, cathedral church, hospital, parsonage, vicarage or other spiritual promotion, or pertaining to the same, or any of them, to any person or persons, bodies politic or corporate, other than for term of one and twenty years, or three lives, in manner and form as is mentioned in the said act, should be utterly void and of none effect. Be it enacted and declared by the authority of this present parliament, that these words (Master or Guardian) of any hospital mentioned in the said former act, were intended and meant of all hospitals, *maisons de dieu*, beadhouses, and other houses ordained for the sustentation or relief of the poor, and so shall be expounded, declared and taken for ever.

31 ELIZABETH, CAP. 6, SECS. 2 & 3.—*An act against abuses in election of scholars, and presentation to benefices.*—See Title—"UNIVERSITIES."

35 Eliz. c. 7,
s. 27.
Any person
may erect an
hospital or
house of cor-
rection,
which may
purchase and
enjoy goods
or lands not
exceeding
the yearly
value of £200
&c.
2 Inst. 720.
Vin. v. 16—
414.

39 ELIZABETH, CAP. 5.—*An act for erecting of hospitals, or abiding and working houses for the poor.*—Whereas at the last session of parliament, provision was made as well for maimed soldiers by collection in every parish as for other poor, that it should be lawful for every person, during twenty years next after the said parliament, by feoffment, will in writing, or other assurance, to give and bequeath in fee simple, as well to the use of the poor as for the provision, sustentation, or maintenance of any house of correction, or abiding houses, or of any stocks or stores, all or any part of his lands, tenements or hereditaments: her most excellent majesty understanding and finding that the said good law has not taken such effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding places but her majesty, or by her highness' special licence, by letters patents under the great seal of *England* in that behalf to be obtained: her majesty graciously affecting the good success of so good and charitable works, and that without often suit unto her majesty, and with as great ease and little charge as may be, is of her princely care and blessed disposition to and for the relief and comfort of maimed soldiers, mariners, and other poor and impotent people, pleased and contented that it be enacted

by authority of this present parliament; and be it enacted by the authority of this present parliament, that all and every person and persons seized of an estate in fee simple, their heirs, executors or assigns, at his or their wills and pleasures, shall have full power, strength, licence and lawful authority, at any time during the space of twenty years next ensuing, by deed enrolled in the high court of chancery, to erect, found and establish one or more hospitals, *maisons de dieu*, abiding places or houses of correction, at his or their will and pleasure, as well for the finding, sustentation and relief of the maimed, poor, needy or impotent people, as to set the poor to work, to have continuance for ever, and from time to time to place therein such head and members, and such number of poor, as to him, his heirs and assigns shall seem convenient: and that the same hospitals or houses so founded, shall be incorporated, and have perpetual successions for ever, in fact, deed and name, and of such head, members, and numbers of poor, needy, maimed or impotent people as shall be appointed, assigned, limited or named by the founder or founders, his or their heirs, executors or assigns, by any such deed enrolled: and that such hospital, *maison de dieu*, abiding place or house of correction, and the persons therein placed, shall be incorporated, named and called by such name as the said founder or founders, his heirs, executors or assigns, shall so limit assign and appoint: and the same hospital, *maison de dieu*, abiding place or house of correction so incorporated and named, shall be a body corporate and politic, and shall by that name of incorporation have full power, authority and lawful capacity and ability to purchase, take, hold, receive, enjoy and have, to them and to their successors for ever, as well goods and chattels, as manors, lands, tenements and hereditaments, being freehold, of any person or persons whatsoever: so that the same exceed not the yearly value of two hundred pounds above all charges and reprises, to any one such abiding house, hospital, *maison de dieu* or house of correction, and so as the same or any part thereof, be not holden of our sovereign lady the queen, her heirs or successors, immediately in chief, or else of our said sovereign lady the queen, or any other person by knight's service; without licence or writ of *ad quod damnum*; the statute of mortmain, or any other statute or law to the contrary notwithstanding: and that the same hospital, *maison de dieu*, abiding place or house of correction, and the person so being incorporated, founded and named, shall have full power, and lawful authority by the true name of the incorporation thereof, to sue and to be sued, implead and to be impleaded, to answer and to be answered unto, in all manner of courts and places that now are or hereafter shall be within this realm, as well temporal as spiritual, in all manner of suits whatsoever, and of what nature and kind soever such suits or actions be or shall be: and that the same hospital, *maison de dieu*, abiding house or house of correction, shall have and enjoy for ever such a common seal or seals, as by the said founder or founders, his or their heirs, executors or assigns, shall be in writing under his or their hand and seal assigned, named or appointed, whereby the same corporation shall or may seal any manner of instrument touching the same incorporation, and the lands, tenements, hereditaments,

Any person may erect an hospital or house of correction.

Incorporation of the hospital by the founder.

The hospital or house of correction shall be named by the founder.

The hospital shall be a body politic and corporate.

The hospital may purchase goods or lands.

7 Ed. 1, st. 2. The hospital may sue and be sued.

The hospital shall have a common seal.

- The ordering, directing and visiting of an hospital. goods or other things thereto belonging, or in anywise touching or concerning the same: and further shall be ordered, directed and visited, placed or upon just cause displaced, by such person or persons, bodies politic or corporate, their heirs, successors or assigns, as shall be so nominated or assigned by the founder or founders thereof, their heirs or assigns, according to such rules, statutes and ordinances, as shall be set forth, made, devised or established by the said founder or founders, their heirs or assigns, in writing under his or their hand and seal, not being repugnant or contrary to the laws and statutes of this realm; any law, statute, custom, usage or other thing whatsoever to the contrary in anywise notwithstanding: and that it shall be lawful unto the founder or founders, his and their heirs or assigns, upon the death or removing of any head or member of any such corporation, to place one other in the room of him that dieth, or is removed, successively for ever.
- The statutes and ordinances of an hospital. II. Provided always, that all leases, grants, conveyances or estates to be made by any corporation so to be founded as aforesaid, exceeding the number of one and twenty years, and that in possession, and whereupon the accustomable yearly rent or more, by the greater part of twenty years next before the making of such lease, shall not be reserved and yearly payable, shall be void. Saving to all persons, bodies politic and corporate, their heirs and successors, (other than the founders and givers, their heirs and successors), all such right, title, claim, possession, rents, services, commons, demands, interest and profits, which they or any of them shall have, or of right ought to have, of, in or to any the lands, tenements or hereditaments hereafter to be given, limited or assigned in form aforesaid, in as ample manner as if this statute had never been had or made.
- The founder may place the head and members. III. Provided also, that this act or any thing therein contained shall not extend to enable any person or persons, being within age, women covert without their husbands, or of not *sane memorie*, to make any such corporation, or to endow the same; any thing in this present act to the contrary thereof in anywise notwithstanding.
- Leases made by hospitals. IV. Provided always, that no such hospital, *maison de dieu*, abiding place or house of correction shall be erected, founded or incorporated by force of this act, unless upon the foundation or erection thereof, the same be endowed for ever, with lands, tenements or hereditaments of the clear yearly value of ten pounds by the year.
- A saving of the right of others in the hospital lands. V. Provided also, and be it further enacted, that no such incorporation to be founded by force of this act shall at any time hereafter do or suffer to be done any act or thing, whereby or by means whereof any of the lands, tenements, hereditaments, stock, goods or chattels of such incorporation, or any estate, interest, possession or property of or in the same or any of them, shall be vested or transferred in or to any other whatsoever, contrary to the true meaning of this act: and that such construction shall be made upon this act as shall be most beneficial and available for the maintenance of the poor, and for repressing and avoiding of all acts and devices to be invented or put in ure contrary to the true meaning of this act.
- Certain persons not enabled to create hospitals. [Made perpetual by 21 Jac. 1, c. 1.]
- Ten pounds lands at the least shall be assured to an hospital. relating hereto, see 13 & 14 Car. 2, c. 12. 7 & 8 W. 3, c. 37, empowering the king to grant licence to alien in mortmain; and 9 Geo. 2, c. 36, which restrains gifts in mortmain by will.
- The construction of this act.
- Further provisions

39 ELIZABETH, CAP. 6.—*An act to reform deceits and breaches of trust touching lands given to charitable uses.*—See Title—"CHARITABLE USES," vol. i. p. 479.

43 ELIZABETH, CAP. 4.—*An act to redress the misemployment of lands, goods and stocks of money heretofore given to certain charitable uses.*—See Title—"CHARITABLE USES," vol. i. p. 481.

21 JAMES I, CAP. 1.—*An act for the reviving and making perpetual of one act made in the nine and thirtieth year of the late queen Elizabeth, intituled, an act for erecting of hospitals, and abiding and working houses for the poor.*—Whereas in the parliament held in the nine and thirtieth year of the reign of the late queen *Elizabeth* of happy memory, a good law was made, intituled, *an act for erecting of hospitals, or abiding and working houses for the poor*; but the power, licence and authority given by the said statute, to erect, found and establish such houses and abiding places, as are therein mentioned, was confined to the space of twenty years then next ensuing, which said time is now expired.

The statute of 39 Eliz. c. 5, made perpetual. Vin. v. 16. 414 and sequent.

II. Be it therefore enacted by the authority of this present parliament, that the said act and all things therein contained, shall from henceforth be revived and made perpetual to have continuance for ever.

III. And be it also enacted, that all hospitals, *maisons de dieu*, and abiding places for poor, lame, maimed and impotent people, or for houses of correction, at any time since the said twenty years expired, erected, founded or made, or at any time hereafter to be erected, founded or made, according to the purport of the said statute, shall be incorporated, and have perpetual succession and capacity, to have, take and enjoy all other privileges, benefits and immunities, to all intents and purposes, according to the provisions, tenor, purport and true meaning of the said act, as if the same had been made, founded or endowed within the space of twenty years next ensuing the said statute. [43 Eliz. c. 4.]

The erection of all hospitals, &c. since the expiration of 39 Eliz. c. 5, confirmed. See further 13 & 14 Car. 2, c. 12. 7 & 8 W. 3, c. 37, and 9 G. 2, c. 36.

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

IDENTIFICATION OF BOUNDARIES AND QUANTITIES.

2 & 3 WILLIAM 4, CAP. 80.—*An act to authorize the identifying of lands and other possessions of certain ecclesiastical and collegiate corporations.*—Whereas the archbishops and bishops of the several dioceses, and the deans, and deans and chapters, archdeacons, prebendaries, and canons, and other dignitaries and officers of the several cathedral and collegiate churches and chapels, and the masters or other heads, and fellows and scholars or other societies of the several colleges and halls in the universities of *Oxford* and *Cambridge*, and of the colleges of *Winchester* and *Eton*, are proprietors of divers manors, messuages, lands, tenements, tithes, and hereditaments, and in many cases the boundaries or quantities and the identity of lands within such manors, and of such messuages, lands, tenements, and hereditaments, and of lands subject to any such tithes, or some part or parts thereof, are unknown or disputed, and it would be a great benefit, as well to such proprietors respectively, as to their lessees, copyhold or customary tenants, sub-lessees, or under-tenants, their, his, or her heirs, executors, administrators, or assigns, if the said manors, messuages, lands, tenements, tithes, and hereditaments were identified, and the boundaries and quantities thereof ascertained and finally settled: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall and may be lawful to and for any archbishop, bishop, dean, dean and chapter, or other corporation aggregate or sole hereinbefore mentioned, to enter into an agreement of reference or deed of submission with his or their lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, his, her, or their heirs, executors, administrators, or assigns, or with the owner or owners of any other hereditaments adjoining to or intermixed with the said manors, messuages, lands, tenements, tithes or hereditaments, whereby it shall be agreed that any unknown or disputed boundaries or quantities of such manors, messuages, lands, tenements, tithes or hereditaments, or any part thereof, shall be referred to the adjudication of such person or persons as may be agreed upon and named by the said archbishop, bishop, dean, dean and chapter, or other corporation aggregate or sole, and by his or their lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, his, her, or their heirs, executors, administrators, or assigns, or by such owner or owners of any other hereditaments situate as aforesaid; and that such referee or referees shall be fully authorized to make or cause to be made surveys, maps, and admeasurements of the said manors, messuages, lands, tenements, tithes, and hereditaments, or any part thereof, and to summon any persons as witnesses,

Archbishops, bishops, deans, and chapters, &c. may enter into agreements or deeds of reference with their lessees, to ascertain and settle unknown or disputed boundaries or quantities of manors, &c. leased.

Referees to make surveys, maps, and admeasurements;

and examine them on oath (which oath he or they are hereby authorized to administer) touching or concerning any of the matters or things so referred as aforesaid, or in any way relating thereto; and also to call for the production of all surveys, maps, deeds, books, papers, and writings in the custody or power of any of the parties to the said reference, or of any other person or persons, of or concerning the matters in question; and the said referee or referees, having well and sufficiently investigated and considered the same, and all matters to him or them referred, shall and may make his or their award or awards in writing, under his or their hand and seal or hands and seals, with a map or maps drawn thereupon or thereunto annexed, and which said award or awards and map or maps shall be upon parchment or vellum, and shall award and determine, identify, delineate, and describe the boundaries, quantities, particulars, and situations of the said manors, messuages, lands, tenements, tithes, and hereditaments so referred to him or them as aforesaid; and the said award or awards and map or maps shall be laid before all the parties to any such agreement of reference or deed of submission, including the party or parties whose consent is required by this act, whose approbation thereof shall be written upon the said award or awards, and shall be signed and sealed by them, and thereupon the said award or awards and map or maps shall be for ever afterwards binding upon all parties, and final and conclusive as to all matters therein contained or thereby referred to.

to summon
and examine
witnesses on
oath;
to call for all
deeds, &c.;

to make
awards, with
maps, thereto
on parch-
ment or vel-
lum.

Awards and
maps to be
laid before
parties, and
their appro-
bation to be
written.

II. Provided always, and be it further enacted, that in every case in which any of the powers hereinbefore contained shall be exercised by any bishop, dean, archdeacon, prebendary, or other ecclesiastical corporation sole, the deed of submission or agreement of reference, and also the approbation of the award, shall, in the case of a bishop, be executed by the archbishop of the province testifying his consent thereto; or in case of a dean, the same shall be executed by the dean and chapter testifying their consent thereto; or in the case of an archdeacon, prebendary, or other ecclesiastical corporation sole, the same shall be executed by the archbishop or bishop of the diocese testifying his consent thereto.

Certain con-
sents re-
quired to
render valid
proceedings
under this
act.

III. And be it further enacted, that from and after the passing of this act it shall and may be lawful to and for the said lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as hereinbefore named, his, her, or their heirs, executors, administrators or assigns, who at the time of making any reference authorized by this act shall be tenant or tenants in fee tail, general or special, or for life or lives, and for the guardians, husbands, committees, or attornies of or acting for any such lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as hereinbefore named, his, her, or their heirs, executors, administrators, or assigns, who at the time of making any such reference shall be respectively an infant or infants, feme covert or femes covert, or of unsound mind, or beyond the seas, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, to sign, seal, and deliver any agreement of reference or deed of

Power to
infants, mar-
ried woman,
lunatics, &c.
to enter into
reference.

submission or approbation of any award or awards and map or maps authorized by this act to be made, as fully and effectually to all intents and purposes as if such lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as hereinbefore named, his, her, or their heirs, executors, administrators, or assigns, had been tenant or tenants in fee simple, and of full age, sole, of sound mind, or within the realm of *England*, and not under any other legal disability.

Agreements
or deeds of
reference,
awards and
maps, to be
deposited in
registry of
archbishop,
bishop, &c.

Documents
to be pro-
duced for
inspection.

Registrar's
fees.

Expenses of
reference
how to be
paid.

Act limited
to England
and Wales.

IV. And be it further enacted, that immediately after the execution by the parties of the instrument shewing their approbation of any award to be made by virtue of this act, the agreement of reference or deed of submission, and also the award or awards and map or maps, authorized to be made by this act, and a copy of the minutes of evidence whereupon the same is made, shall be deposited, in the case of any reference by any archbishop or bishop, in the office of their own registrar; and in case of any reference by any dean, dean and chapter, archdeacon, prebendary, canon, and other dignitary and officer of a cathedral or collegiate church or chapel, in the office of the registrar of the dean and chapter thereof; and in case of any reference by any masters or other heads, or by any fellows and scholars, or other societies hereinbefore named, in the office of the steward or other proper officer of their said colleges and halls; and every such registrar, steward, or other officer, or some person or persons on his behalf, shall produce the documents and papers so deposited with him, or any of them, at all proper and usual hours of business, to every person interested in the subject matter of such award, or to his or her agent duly authorized, who shall make application to inspect the same or any of them, and shall furnish a copy or copies of the same or any of them to every such person or agent who shall make application for such copy or copies; and every such registrar, steward, or other officer shall in every case be entitled to the sum of five shillings and no more for receiving and preserving the agreement of reference or deed of submission, award or awards, map or maps, and copy of the minutes of evidence as aforesaid; and the sum of one shilling and no more for every production of the same or any of them to be inspected; and the sum of sixpence and no more for every folio containing seventy-two words of every copy; and the sum of ten shillings and no more for every copy of a map so made as aforesaid.

V. And be it further enacted, that the expenses attending every reference which shall be made under the authority of this act, and all the proceedings hereby required relating to the same, shall be paid and borne by the parties thereto in such manner, shares, and proportions as they shall agree; and in case the said parties shall not make any agreement relating to such expenses, then all such expenses, or so much thereof as shall not be provided for by such agreement, shall be paid and borne by the said parties in equal moieties.

VI. Provided also, and be it further enacted, that this act shall extend only to that part of the united kingdom called *England* and *Wales*.

IMAGES IN CHURCHES.

3 & 4 EDWARD 6, CAP. 10.—*An act for the abolishing and putting away of divers books and images.*—Where the king's most excellent majesty hath of late set forth and established by authority of parliament, an uniform, quiet and godly order for common and open prayer, in a book, intituled, *the book of common prayer and administration of the sacraments, and other rites and ceremonies of the church, after the church of England*, to be used and observed in the said church of *England*, agreeable to the order of the primitive church, much more comfortable under his loving subjects than other diversity of service, as heretofore of long time hath been used, being in the said book ordained, nothing to be read but the very pure word of God, or which is evidently grounded upon the same; and in the other, things corrupt, untrue, vain and superstitious, and as it were a preparation to superstition; which for that they be not called in, but permitted to remain undefaced, do not only give occasion to such perverse persons as do impugn the order and godly meaning of the king's said book of common prayer, to continue in their old, accustomed and superstitious service, but also minister great occasion to diversity of opinions, rites, ceremonies and services: be it therefore enacted by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, that all books called *Antiphoners, Missals, Grailes, Processionals, Manuals, Legends, Pies, Portuasses, Primers in Latin or English, Couchers, Journals, Ordinals* or other books or writings whatsoever heretofore used for service of the church, written or printed in the *English* or *Latin* tongue, other than such as are or shall be set forth by the king's majesty, shall be by authority of this present act clearly and utterly abolished, extinguished and forbidden for ever to be used or kept in this realm, or elsewhere within any the king's dominions.

II. And be it further enacted by the authority aforesaid, that if any person or persons, of what estate, degree or condition soever he, she or they be, body politic or corporate, that now have or hereafter shall have in his, her or their custody, any the books or writings of the sorts aforesaid, or any images of stone, timber, alabaster or earth, graven, carved or painted, which heretofore have been taken out of any church or chapel, or yet stand in any church or chapel, and do not before the last day of *June* next ensuing deface and destroy, or cause to be defaced and destroyed, the same images and every of them, and deliver or cause to be delivered all and every the same books to the mayor, bailiff, constable or churchwardens of the town where such books then shall be, to be by them delivered over openly within three months next following after the said delivery, to the archbishop, bishop, chancellor or commissary of the same diocese, to the intent the said archbishop, bishop, chancellor or commissary, and every of them, cause them immediately to be openly burnt or otherwise defaced and destroyed; shall for every such book or books

Certain books and images shall be abolished. 2 & 3 Ed. 6, c. 1. 3 Jac. 1, c. 5.

Images taken out of, or yet remaining in churches shall be destroyed.

Popish books shall be first delivered to the mayor, &c. and then by him to the bishop, &c. to be burnt or otherwise defaced.

willingly retained in his, her or their hands or custody within this realm, or elsewhere within any the king's dominions, and not delivered as is aforesaid, after the said last day of *June*, and be thereof lawfully convict, forfeit and lose to the king our sovereign lord, for the first offence twenty shillings, and for the second offence shall forfeit and lose (being thereof lawfully convict) four pounds, and for the third offence shall suffer imprisonment at the king's will.

The penalty of mayor, &c. or bishop, &c. omitting their duty herein.

III. And be it further enacted by the authority aforesaid, that if any mayors, bailiffs, constables or churchwardens, do not within three months after receipt of the same books, deliver or cause to be delivered such books so by them received, to the archbishop, bishop, chancellor or commissary of their diocese; and if the said archbishops, bishops, chancellor or commissaries, do not within forty days after the receipt of such books, burn, deface and destroy, or cause to be burned, defaced or destroyed, the same books and every of them; that then they and every of them so offending, shall lose and forfeit to our sovereign lord the king, being thereof lawfully convict, forty pounds. The one half of all such forfeitures shall be to any of the king's subjects that will sue for the same in any of the king's courts of record, by bill, plaint, action of debt or information: in which action no essoin, protection, wager of law or other delay shall be allowed.

Justices of assize and peace shall hear and determine these offences.

IV. And for better execution of the same act, be it enacted by the authority aforesaid, that as well justices of assize in their circuits, as justices of peace within the limits of their commission in their general sessions, shall have full power and authority to inquire of the offences aforesaid, and to hear and determine the same, in such form as they may do in other such like cases.

Primers set out by H. 8, being purged may be still retained.

V. Provided also, and be it enacted by the authority aforesaid, that any person or persons may use, keep, have and retain any *primers* in the *English* or *Latin* tongue, set forth by the late king of famous memory, king *Henry* the eighth, so that the sentences of invocation or prayer to saints in the same *primers* be blotted or clearly put out of the same; any thing in this act to the contrary notwithstanding.

Images upon tombs shall still remain.

VI. Provided always, that this act, or any thing therein contained, shall not extend to any image or picture set or graven upon any tomb in any church, chapel or church-yard, only for a monument of any king, prince, nobleman or other dead person, which hath not been commonly reputed and taken for a saint, but that such pictures and images may stand and continue in like manner and form as if this act had never been had nor made; any thing in this act to the contrary in anywise notwithstanding. [Repealed by 1 Mary, st. 2, c. 2, which act is repealed by 1 Jac. 1, c. 25, sec. 48.]

1 MARY, SESS. 2, CAP. 2.—A repeal of the statute 3 & 4 Edward 6, c. 10, *made for the abolishing of divers books and images.*

1 JAMES 1, CAP. 25, SEC. 48.—*An act for continuing and reviving of divers statutes and for repealing of some others.*

1 M. sess. 2, c. 2.

XLVIII. Be it enacted by the authority of this present parliament, that an act made in the first year of the reign of queen *Mary*, intituled, *an act for the repeal of certain statutes made in the time of king Edward the sixth*, shall stand repealed and void.

JESUITS.

27 ELIZABETH, CAP. 2.—*An act against jesuits, seminary priests, and other such like disobedient persons.*—Whereas divers persons called or professed jesuits, seminary priests and other priests, which have been, and from time to time are made in the parts beyond the seas, by or according to the order and rites of the *Romish* church, have of late years come and been sent, and daily do come and are sent, into this realm of *England* and other the queen's majesty's dominions, of purpose (as it hath appeared, as well by sundry of their own examinations and confessions, as by divers other manifest means and proofs) not only to withdraw her highness' subjects from their due obedience to her majesty, but also to stir up and move sedition, rebellion and open hostility within the same her highness' realms and dominions, to the great endangering of the safety of her most royal person, and to the utter ruin, desolation and overthrow of the whole realm, if the same be not the sooner by some good means foreseen and prevented.

Jesuits and priests in England shall depart, and none shall come into this realm. The penalty for relieving of them, &c. The causes why jesuits and priests do come into this realm.

II. For reformation whereof be it ordained, established and enacted by the queen's most excellent majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, that all and every jesuits, seminary priests, and other priests whatsoever made or ordained out of the realm of *England* or other her highness' dominions, or within any of her majesty's realms or dominions, by any authority, power or jurisdiction derived, challenged or pretended from the see of *Rome*, since the feast of the *Nativity* of *Saint John Baptist* in the first year of her highness' reign, shall within forty days next after the end of this present session of parliament depart out of this realm of *England*, and out of all other her highness' realms and dominions, if the wind, weather and passage shall serve for the same, or else so soon after the end of the said forty days as the wind, weather and passage shall so serve.

All jesuits and priests shall depart forth of the realm. Poph. 93. 1 Hale's p. c. 336.

III. And be it further enacted by the authority aforesaid, that it shall not be lawful to or for any jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person whatsoever, being born within this realm, or any other her highness' dominions, and heretofore since the said feast of the *Nativity* of *Saint John Baptist*, in the first year of her majesty's reign, made, ordained or professed, or hereafter to be made, ordained or professed, by any authority or jurisdiction derived, challenged or pretended from the see of *Rome*, by or of what name, title or degree soever the same shall be called or known, to come into, be or remain in any part of this realm, or any other her highness' dominions, after the end of the same forty days, other than in such special cases, and upon such special occasions only, and for such time only, as is expressed in this act; and if he do, that then every such offence shall be taken

No jesuits or priests shall come into, or remain in this realm.

and adjudged to be high treason; and every person so offending shall for his offence be adjudged a traitor, and shall suffer, lose and forfeit, as in case of high treason.

Receiving or relieving a jesuit or priest shall be felony.

IV. And every person which after the end of the same forty days, and after such time of departure as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid or maintain any such jesuit, seminary priest or other priest, deacon or religious or ecclesiastical person, as is aforesaid, being at liberty, or out of hold, knowing him to be a jesuit, seminary priest or other such priest, deacon, or religious or ecclesiastical person, as is aforesaid, shall also for such offence be adjudged a felon, without benefit of clergy, and suffer death, lose and forfeit, as in case of one attainted of felony.

They who be in seminaries shall after proclamation return and take the oath.

V. And be it further enacted by the authority aforesaid, if any of her majesty's subjects (not being a jesuit, a seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is before mentioned) now being, or which hereafter shall be of, or brought up in, any college of jesuits, or seminary already erected and ordained, or hereafter to be erected or ordained, in the parts beyond the seas, or out of this realm in any foreign parts, shall not within six months next after proclamation in that behalf to be made in the city of *London*, under the great seal of *England*, return into this realm, and thereupon within two days next after such return, before the bishop of the diocese, or two justices of peace of the county where he shall arrive, submit himself to her majesty and her laws, and take the oath set forth by act in the first year of her reign; that then every such person which shall otherwise return, come into, or be in this realm or any other her highness' dominions, for such offence of returning or being in this realm, or any other her highness' dominions, without submission, as aforesaid, shall also be adjudged a traitor, and suffer, lose and forfeit, as in case of high treason.

Sending relief to any jesuit, priest or other person abiding in a seminary.

VI. And be it further enacted by the authority aforesaid, if any person under her majesty's subjection or obedience shall at any time after the end of the said forty days, by way of exchange, or by any other shift, way or means whatsoever, wittingly and willingly, either directly or indirectly, convey, deliver or send, or cause or procure to be conveyed or delivered, to be sent over the seas, or out of this realm, or out of any other her majesty's dominions or territories, into any foreign parts, or shall wittingly or willingly yield, give or contribute any money or other relief to or for any jesuit, seminary priest, or such other priest, deacon, or religious or ecclesiastical person, as is aforesaid; or to or for the maintenance or relief of any college of jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in any the parts beyond the seas, or out of this realm in any foreign parts, or of any person then being of or in any the same colleges or seminaries, and not returned into this realm with submission, as in this act is expressed, and continuing in the same realm: that then every such person so offending, for the same offence shall incur the danger and penalty of a *premunire*, mentioned in the statute of *premunire* made in the sixteenth year of of the reign of king *Richard* the second.

VII. And be it further enacted by the authority aforesaid, that it shall not be lawful for any person of or under her highness' obedience, at any time after the said forty days, during her majesty's life (which God long preserve) to send his or her child, or other person, being under his or her government, into any the parts beyond the seas out of her highness' obedience, without the special licence of her majesty, or of four of her highness' privy council, under their hands in that behalf first had or obtained (except merchants, for such only as they or any of them shall send over the seas only for or about his, her or their trade of merchandize, or to serve as mariners, and not otherwise) upon pain to forfeit and lose for every such their offence the sum of one hundred pounds.

16 R. 2, c. 5.
None shall
send his
child or other
beyond the
seas without
licence.
EXP.
3 Jac. 1, c. 5.

VIII. And be it also enacted by the authority aforesaid, that every offence to be committed or done against the tenor of this act shall and may be inquired of, heard and determined, as well in the court commonly called the king's bench in the county where the same court shall for the time be, as also in any other county within this realm, or any other her highness' dominions where the offence is or shall be committed, or where the offender shall be apprehended and taken.

Where the
offences
committed
against this
act shall be
inquired of
and deter-
mined.

IX. Provided also, and be it enacted by the authority aforesaid, that it shall and may be lawful for and to every owner and master of any ship, bark or boat, at any time within the said forty days, or other time before limited for their departure, to transport into any the parts beyond the seas any such jesuit, seminary priest, or other priest aforesaid, so as the same jesuit, seminary priest, or other priest aforesaid so to be transported, do deliver unto the mayor or other chief officer of the town, port or place, where he shall be taken in to be transported, his name, and in what place he received such order, and how long he hath remained in this realm, or in any other her highness' dominions, being under her obedience.

Transport-
ing of jesuits,
priests, &c.

X. Provided also, that this act, or any thing therein contained, shall not in anywise extend to any such jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is before mentioned, as shall at any time within the said forty days, or within three days after that he shall hereafter come into this realm, or any other her highness' dominions, submit himself to some archbishop or bishop of this realm, or to some justice of peace within the county where he shall arrive or land, and do thereupon truly and sincerely, before the same archbishop, bishop, or such justice of peace, take the said oath set forth in *anno primo*, and by writing under his hand confess and acknowledge, and from thenceforth continue, his due obedience unto her highness' laws, statutes and ordinances, made and provided or to be made or provided in causes of religion.

A jesuit or
priest sub-
mitting him-
self, and
taking the
oath and
obeying the
laws.

1 Eliz. c. 1.

XI. Provided always, if it happen at any time hereafter any peer of this realm to be indicted of any offence made treason, felony or *premunire*, by this act, that he shall have his trial by his peers, as in other cases of treason, felony or *premunire*, is accustomed.

XII. Provided nevertheless, and it is declared by authority aforesaid, that if any such jesuit, seminary priest, or other priest abovesaid, shall fortune to be so weak or infirm of body, that he or they may

not pass out of this realm by the time herein limited without imminent danger of life, and this understood as well by the corporal oath of the party as by other good means, unto the bishop of the diocese and two justices of peace of the same county where such person or persons do dwell or abide; that then, and upon good and sufficient bond of the person or persons, with sureties, of the sum of two hundred pounds at the least, with condition that he or they shall be of good behaviour towards our sovereign lady the queen and all her liege people, then he or they so licensed and doing as is aforesaid, shall and may remain and be still within this realm, without any loss or danger to fall on him or them by this act, for so long time as by the same bishop and justices shall be limited and appointed, so as the same time of abode exceed not the space of six months at the most: and that no person or persons shall sustain any loss, or incur any danger by this act, for the receiving or maintaining of any such person or persons so licensed as is aforesaid, for and during such time only as such person or persons shall be so licensed to tarry within this realm; anything contained in this act to the contrary notwithstanding.

One knowing a jesuit or priest to remain in the realm, and not discovering it to a justice of peace.
Skinner 369.

XIII. And be it also further enacted by authority aforesaid, that every person or persons, being subjects of this realm, which after the said forty days shall know and understand that any such jesuit, seminary priest, or other priest abovesaid, shall abide, stay, tarry or be within this realm or other the queen's dominions and countries, contrary to the true meaning of this act, and shall not discover the same unto some justice of peace or other higher officer, within twelve days next after his said knowledge, but willingly conceal his knowledge therein; that every such offender shall make fine, and be imprisoned at the queen's pleasure: and that if such justice of peace, or other such officer to whom such matter shall be so discovered, do not within eight and twenty days then next following give information thereof to some of the queen's privy council, or to the president or vice president of the queen's council established in the north, or in the marches of *Wales* for the time being: that then he or they so offending shall for every such offence forfeit the sum of two hundred marks.

XIV. And be it likewise enacted by the authority aforesaid, that such of the privy council, president or vice president, to whom such information shall be made, shall thereupon deliver a note in writing, subscribed with his own hand, to the party by whom he shall receive such information, testifying that such information was made unto him.

All oaths, bonds and submissions certified into the chancery

XV. And be it also enacted, that all such oaths, bonds and submissions, as shall be made by force of this act, as aforesaid, shall be certified into the chancery by such parties before whom the same shall be made, within three months next after such submission, upon pain to forfeit and lose for every such offence one hundred pounds of lawful *English* money; the said forfeiture to be to the queen, her heirs and successors:

None submitting himself shall come within ten miles of the queen.

XVI. And that if any person so submitting himself, as aforesaid, do at any time within the space of ten years after such submission made, come within ten miles of such place where her majesty shall be, without special licence from her majesty in that behalf to be

obtained in writing under her hand; that then and from thenceforth such person shall take no benefit of his said submission, but that the same submission shall be void as if the same had never been. [Further provided for by 35 Eliz. cap. 2, 1 Jac. 1, cap. 4, 3 Jac. 1, c. 5.]

2 JAMES 1, CAP. 4.—*An act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.*—For the better and more due execution of the statutes heretofore made, as well against jesuits, seminary priests, and other such like priests, as also against all manner of recusants; be it ordained and enacted by authority of this present parliament, that all and every the statutes heretofore made in the reign of the late queen of famous memory, *Elizabeth*, as well against jesuits, seminary priests and other priests, deacons, religious and ecclesiastical persons whatsoever, made, ordained or professed, or to be made, ordained or professed, by any authority or jurisdiction derived, challenged or pretended from the see of *Rome*, as those which do in anywise concern the withdrawing of the king's subjects from their due obedience, and the religion now professed, and the taking of the oath of obedience unto the king's majesty, his heirs and successors, together with all those made in the said late queen's time, against any manner of recusants, shall be put in due and exact execution.

Statutes made in the reign of queen Elizabeth shall be put in execution. In what case a recusant's heir shall be charged, in what not. Going into seminaries. 3 Inst. 178. 1 Eliz. c. 1. 5 Eliz. c. 1. 13 Eliz. c. 2. 23 Eliz. c. 1. 27 Eliz. c. 2. 29 Eliz. c. 6. 35 Eliz. c. 1, 2. 2 Bulstr. 324.

II. Provided nevertheless, and be it enacted by the authority of this present parliament, that if any that is or shall be a recusant shall submit or reform him or herself, and become obedient to the laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the true meaning of the statutes in that behalf, in the said late queen's time made and provided, that then every such person for and during such time as he or she shall so continue in such conformity and obedience, shall from thenceforth be freed and discharged of and from any the penalties and losses which the same person might otherwise sustain and bear in respect or by reason of such person's recusancy.

A recusant conforming himself shall be discharged. Raym 465, 466.

III. And if any recusant shall hereafter die, his heir being no recusant, that in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of his or her ancestor's recusancy: and if at the decease of any such recusant, his heir shall happen to be a recusant, and after shall become comfortable and obedient to the laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf made as is aforesaid, and also shall take the oath of supremacy in such sort as that oath is expressed in one act of parliament made in the first year of the reign of our late sovereign lady queen *Elizabeth*, before the archbishop or bishop of the diocese; that in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of any of his or her ancestor's recusancy.

1 Eliz. c. 1.

A recusant's heir within age at the time of his ancestor's death.

IV. Provided always, and be it enacted by authority of this present parliament, that if the heir of any recusant shall happen to be within the age of sixteen years at the time of the decease of his or her ancestor, and shall after his or her said age of sixteen years, become or be a recusant, that in every such case, any such heir shall not be freed or discharged of all or any of the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestor's recusancy, until he or she shall submit or reform him or herself, and become obedient to the laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf as is aforesaid, and shall take the said oath of supremacy in manner and form afore expressed: and yet nevertheless, from and after such submission and oath had and taken, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestor's recusancy.

A third part of his living shall remain clear to a recusant.
29 Eliz. c. 6.

V. And be it further enacted by authority of this present parliament, that where any seizure shall be had of the two parts of any lands, tenements, hereditaments, leases or farms, for the not payment of the twenty pounds, due and payable for each month, according to the statute in that case lately made and provided; that in every such case, every such two parts shall, according to the extent thereof, go towards the satisfaction and payment of the twenty pounds due and payable for each month, and unpaid by any such recusant: and that the third part thereof shall not be extended or seized by the king's majesty, his heirs or successors, for not payment of the said twenty pounds payable for each month forfeited or lost by any such recusant: and where any such seizure shall be had of the two parts of the lands, tenements, hereditaments, leases or farms of any such recusant as is aforesaid, and such recusant shall die, (the debt or duty, by reason of his recusancy, not paid, satisfied or discharged) that in every such case, the same two parts shall continue in his majesty's possession, until the residue or remainder of the said debt or duty be thereby or otherwise paid, satisfied or discharged: and that his majesty, his heirs or successors, shall not seize or extend any third part descending to any such heirs or any part thereof, either by reason of the recusancy of his or her ancestor, or of the recusancy of any such heir.

The two parts of a recusant's lands, after his death shall remain in the king's hands until he be satisfied of the arrearages.

None shall go or send any other to a seminary, &c.
3 Jac. 1, c. 5.

VI. And be it further enacted by the authority of this present parliament, that all and every person and persons under the king's obedience, which at any time (after the end of this session of parliament) shall pass or go, or shall send or cause to be sent, any child, or other person under their or any of their government, into any the parts beyond the seas, out of the king's obedience, to the intent to enter into, or to be resident in any college, seminary or house of jesuits, priests or any other popish order, profession or calling whatsoever, or repair in or to any the same, to be instructed, persuaded or strengthened in the popish religion, or in any sort to profess the same; every such person so sending or causing to be sent, any child or other person, beyond the seas to any such purpose or intent, shall

Further provisions relating hereto,

for every such offence forfeit to his majesty, his heirs and successors, the sum of one hundred pounds : and every such person so passing or being sent beyond the seas to any such intent or purpose as is aforesaid, shall by authority of this present act, as in respect of him or herself only, and not to or in respect of any of his heirs or posterity, be disabled and made incapable to inherit, purchase, take, have or enjoy any manors, lands, tenements, annuities, profits, commodities, hereditaments, goods, chattels, debts, duties, legacies or sums of money, within this realm of *England*, or any other his majesty's dominions : and that all and singular estates, terms, and other interests whatsoever hereafter to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions and purposes.

VII. And be it further enacted by the authority aforesaid, that if any person born within this realm or any the king's majesty's dominions, be at this present in any college, seminary, house or place in any parts beyond the seas, to the end to be instructed or strengthened in the popish religion, which shall not make return into this realm, or some of his majesty's dominions, within one year next coming after the end of this session of parliament, and submit himself as is aforesaid, shall be in respect of himself only, and not to or in respect of any of his heirs or posterity, utterly disabled and incapable to inherit, have or enjoy any manors, lands, tenements, hereditaments, goods, chattels, debts, or other things aforesaid, within this realm or any other his majesty's dominions. Provided always, that if any such person or child so passing, sent, sending, or now being, beyond the seas as aforesaid, to such intent as is before mentioned, shall after become conformable, and obedient unto the laws and ordinances of the church of *England*, and shall repair to the church, and there remain and be as is aforesaid, and continue in such conformity, according to the true intent and meaning of the said statutes and ordinances ; that in every such case every such person and child, for and during such time as he or she shall so continue in such conformity and obedience, shall be freed and discharged of all and every such disability and incapacity as is before mentioned.

VIII. And be it further enacted by the authority of this present parliament, that no woman, nor any child under the age of one and twenty years (except sailors or ship boys, or the apprentice or factor of some merchant in trade or merchandize) shall be permitted to pass over the seas (except the same shall be by licence of the king, his heirs or successors, or of some six or more of the king's privy council, thereunto first had under their hands) upon pain that the officers of the port that shall willingly or negligently suffer any such so to pass, or shall not enter the names of such passengers licensed, shall forfeit his office, and all his goods and chattels ; and upon pain that the owner of any ship or vessel that shall wittingly or willingly carry any such over the seas without licence as is aforesaid, shall forfeit his ship or vessel and all the tackle : and every master or mariner of or in any such ship or vessel offending as aforesaid, shall

3 Car. 1, c. 2,
s. 1.

They who be
in seminaries
shall return.
27 Eliz. c. 2.

Explained by
3 G. 1, c. 18,
s. 4.

A remedy for
such as do
return into
the realm,
and become
conformable
to the laws.

No woman or
child shall
pass over the
seas without
licence.
3 Jac. 1, c. 5.

The forfeit-
ure of those
who do suffer
them to pass.
Altered by
11 & 12 W. 3,
c. 4.

forfeit all their goods, and suffer imprisonment by the space of twelve months, without bail or mainprize.

The forfeiture for being or keeping a schoolmaster contrary to this act.

Carthew 464.
1 Ventr. 41.

Further provisions relating hereto

1 Jac. 1, c. 4.
3 Jac. 1, c. 4 & 5.

7 Jac. 1, c. 6.
25 Car. 2, c. 2.

And see 16
Geo. 2, c. 30.

IX. And be it further enacted by the authority aforesaid, that no person after the feast of *Saint Michael* the archangel next shall keep any school, or be a schoolmaster, out of any the universities or colleges of this realm, except it be in some public or free grammar school, or in some such nobleman's or noblewoman's, or gentleman's or gentlewoman's house, as are not recusants, or where the same schoolmaster shall be specially licensed thereunto by the archbishop, bishop or guardian of the spiritualties of that diocese; upon pain that as well the schoolmaster, as also the party that shall retain or maintain any such schoolmaster contrary to the true intent and meaning of this act, shall forfeit each of them for every day so wittingly offending, forty shillings. The one half of all the penalties and sums of money before mentioned to be forfeited, to be to the king, his heirs and successors, the other to him or them that shall or will sue for the same, in any the courts of record in *Westminster*, by action of debt, bill, plaint or information, in which no essoin, protection or wager of law shall be allowed.

12 ANNE, STAT. 2, CAP. 14.—*An act for rendering more effectual an act made in the third year of the reign of king James the first, intituled an act to prevent and avoid dangers which may grow by popish recusants; and also of one other act made in the first year of the reign of their late majesties king William and queen Mary, intituled an act to vest in the two universities the presentations of benefices belonging to papists; and for vesting in the lords of justiciary power to inflict the same punishments against jesuits, priests and other trafficking papists, which the privy council of Scotland was empowered to do by an act passed in the parliament of Scotland, intituled an act for preventing the growth of popery.*—See Title—"PAPISTS."

10 GEORGE 4, CAP. 7, SECS. 28—31.—*An act for the relief of his majesty's Roman catholic subjects.*—See Title—"ROMAN CATHOLIC RELIEF."

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

JEWS.

1 ANNE, STAT. 1, CAP. 30.—*An act to oblige the Jews to maintain and provide for their protestant children.*—To the end that sufficient maintenance be provided and allowed for the children of jewish parents, who shall turn protestants; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of *June* one thousand seven hundred and two, if any jewish parent, in order to the compelling of his or her protestant child to change his or her religion, shall refuse to allow such child a fitting maintenance, suitable to the degree and ability of such parent, and to the age and education of such child, then (upon complaint thereof made to the lord high chancellor of *England*, or lord keeper of the great seal, or commissioners for the great seal for the time being) it shall and may be lawful for the said lord chancellor, lord keeper, or commissioners, to make such order therein, for the maintenance of such protestant child, as he or they shall thing fit.

Jewish parents to allow their protestant children fitting maintenance.

13 GEORGE 2, CAP. 7, SEC. 3.—*An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his majesty's colonies in America.*—See Title—"PROTESTANTS, FOREIGN, NATURALIZED."

26 GEORGE 2, CAP. 26.—*An act to permit persons professing the jewish religion to be naturalized by parliament; and for other purposes therein mentioned.* REP.—Whereas by an act made in the seventh year of the reign of king *James* the first, intituled, *an act that all such as are to be naturalized or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance, and the oath of supremacy*; every person who shall apply to be naturalized by act of parliament, being of the age of eighteen years or upwards, is required to receive the sacrament of the Lord's supper within one month before the bill for such natralization be exhibited, whereby many persons of considerable substance professing the *jewish* religion are prevented from being naturalized by bill to be exhibited in parliament for that purpose: and whereas by an act made in the thirteenth year of his present majesty's reign, intituled, *an act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his majesty's colonies in America*, persons professing the *jewish* religion who have inhabited and resided, or shall inhabit and reside for the space of seven years or more in any of his majesty's colonies in *America*, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, are naturalized upon their complying with the terms therein mentioned, without their receiving the sacrament of the Lord's supper; be it therefore enacted, &c.

7 Jac. 1, c. 2.

13 G. 2, c. 7.

Jews, upon application to parliament, may be naturalized without taking the sacrament. Clause to be inserted in every bill, subjecting the person to the disabilities expressed in 1 Geo. 1, c. 4. No person to be naturalized who has not resided in *Great Britain* or *Ireland* for three years, without being absent more than three months at one time, and who shall not bring proof of his having professed the *jewish* religion for three years before. *Jews* disabled from purchasing or inheriting any advowson or right of patronage, &c.

26 G. 2, c. 26. 27 GEORGE 2, CAP. 1.—*An act to repeal an act of the twenty-sixth year of his majesty's reign, intituled, an act to permit persons professing the jewish religion to be naturalized by parliament; and for other purposes therein mentioned.*—Whereas an act of parliament was made and passed in the twenty-sixth year of his majesty's reign, intituled, *an act to permit persons professing the jewish religion to be naturalized by parliament; and for other purposes therein mentioned*: and whereas occasion has been taken from the said act to raise discontents, and to disquiet the minds of many of his majesty's subjects; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the above mentioned act, and the several matters and things therein contained, shall be, and is and are hereby repealed and made void to all intents and purposes whatsoever.

9 G. 4, c. 17. 8 & 9 VICTORIA, CAP. 52.—*An act for the relief of persons of the jewish religion elected to municipal offices.*—Whereas the declaration prescribed by an act of the ninth year of the reign of king *George* the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*, upon admission into office in municipal corporations, cannot conscientiously be made and subscribed by persons of the *jewish* religion: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that instead of the declaration required to be made and subscribed by the said recited act, every person of the *jewish* religion be permitted to make and subscribe the following declaration within one calendar month next before or upon his admission into the office of mayor, alderman, recorder, bailiff, common councilman, councillor, chamberlain, treasurer, town clerk, or any other municipal office in any city, town corporate, borough, or cinque port, within *England* and *Wales* or the town of *Berwick-upon-Tweed*:

Declaration. **I** *A. B.*, being a person professing the *jewish* religion, having conscientious scruples against subscribing the declaration contained in an act passed in the ninth year of the reign of king *George* the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*, do solemnly, sincerely, and truly declare, that I will not exercise any power or authority or influence which I may possess by virtue of the office of to injure or weaken the protestant church as it is by law established in *England*, nor to disturb the said church, or the bishops and clergy

The recited
act repealed.

Persons pro-
fessing the
jewish reli-
gion, on ac-
cepting the
office of
mayor, &c.,
to make a
declaration.

of the said church, in the possession of any right or privileges to which such church or the said bishops and clergy may be by law entitled.

II. And be it enacted, that such declaration shall with respect to any such office, be of the same force and effect as if the person making it had made and subscribed the declaration aforesaid contained in the said act of the ninth year of the reign of king *George* the fourth.

Declaration
to be as valid
as that of
9 G. 4, c. 17.

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

LEASES BY SPIRITUAL PERSONS.

28 HENRY 8, CAP. 11.—*For the restitution of the first fruits in time of vacation to the next incumbent.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 120.

32 HENRY 8, CAP. 28.—*Lessees to enjoy the farm against the tenants in tail.*—Where great number of the king's subjects have heretofore taken leases of lands, tenements and other hereditaments, for term of years, and divers of them for term of lives, and have given and paid great fines and great sums for the same, and also have been at great costs and charges, as well in and about great reparations and buildings upon their said farms, as otherwise concerning their said farms; yet notwithstanding the said farmers, after the deaths or resignations of their lessors, have been and be daily with great cruelty expelled and put out of their said farms and takings, by the heirs or successors of their said lessors, or by such persons as have interest therein after the deaths or resignations of their said lessors, by reason of privy gifts of intail, or for that the lessors had nothing in the lands, tenements or other hereditaments so letten, at the time of the leases thereof made, but only in the right of their wives, or such other like cause, to the great impoverishment, and in manner utter undoing of the said farmers: for reformation whereof, be it ordained, established and enacted by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that all leases hereafter to be made of any manors, lands, tenements, or other hereditaments by writing indented under seal for term of years, or for term of life, by any person or persons being of full age of twenty-one years, having any estate of inheritance either in fee simple or in fee tail, in their own right, or in the right of their churches or wives, or jointly with their wives, of any estate of inheritance made before the coverture or after, shall be good and effectual in the law against the lessors, their wives, heirs and successors, and every of them, according to such estate as is comprised and specified in every such indenture of lease, in like manner and form as the same should have been, if the lessors thereof, and every of them, at the time of the making of such leases, had been lawfully seized of the same lands, tenements and hereditaments comprised in such indenture, of a good, perfect and pure estate of fee simple thereof to their own only uses.

II. Provided always, that this act, or any thing contained, shall not extend to any leases to be made of any manors, lands, tenements or hereditaments, being in the hands of any farmer or farmers by virtue of any old lease, unless the same old lease be expired, surrendered or ended within one year next after the making of the said new lease; nor shall extend to any grant to be made of any reversion of any manors, lands, tenements or hereditaments, nor to any lease of any manors, lands, tenements or hereditaments which have

Leases made by tenants in fee or fee-tail, in the right of their wives or churches, which be good, which void.
2 Roll 169, 332, 403, 404.
Savil 85.
Hutton 84.
1 Leon. 59, 148.
3 Leon. 156.
Leases made by tenant in tail, or by him which is seized in the right of his wife, or church, &c.
1 Lev. 112.
Cro. Jac. 173.
8 Co. 34.
10 Co. 60.
Bro. Accept. f. 9.
Dyer 51, 363.
Co. Lit. 44.
Hob. 204.
Cro. El. 875.

34 H. 8, c. 20.
Cro. El. 5, 330.
Special observations of leases to be made by tenant in tail, or of the wife's land.
Raym. 165.
1 Sid. 416.

Dyer 115, 246, 271, 279, 304.
 5 Co. 2, 5.
 2 Roll 402.
 5 Co. 6.
 Cro. El. 602.
 Cro. Car. 22, 44.
 Latch 257.
 Bridgm. 29.
 Moor 759,
 pl. 1050.
 Hob. 324.

not most commonly been letten to farm, or occupied by the farmers thereof, by the space of twenty years next before such lease thereof made; nor to any lease to be made without impeachment of waste, nor to any lease to be made above the number of twenty-one years, or three lives, at the most from the day of making thereof; and that upon every such lease there be reserved yearly during the same lease, due and payable to the lessors, their heirs and successors, to whom the same lands should have come after the deaths of the lessors, if no such lease had been thereof made, and to whom the reversion thereof shall appertain, according to their estates and interests, so much yearly farm or rent, or more, as hath been most accustomedly yelden or paid for the manors, lands, tenements and hereditaments so to be letten within twenty years next before such lease thereof made; and that every such person and persons, to whom the reversion of such manors, lands, tenements or hereditaments so to be letten shall appertain, as is aforesaid, after the deaths of such lessors or their heirs, shall and may have such like remedy and advantage, to all intents and purposes, against the lessees thereof, their executors and assigns, as the same lessor should or might have had against the same lessees. So that if the lessor were seized of any special estate tail of the same hereditaments at the time of such lease, that the issue or heir of that special estate shall have the reversion, rents and services reserved upon such lease after the death of the said lessor, as the lessor himself might or ought to have had if he had lived.

Leases made
 by husband
 and wife of
 the wife's
 lands.
 3 Leon. 132.
 Jones 60.
 Hutt. 84.
 1 Roll 159,
 163.
 Latch 45.

III. Provided alway, that the wife be made party to every such lease which hereafter shall be made by her husband of any manors, lands, tenements or hereditaments, being the inheritance of the wife; and that every such lease be made by indenture in the name of the husband and his wife, and she to seal to the same; and that the farm and rent be reserved to the husband and to the wife, and to the heirs of the wife, according to her estate of inheritance in the same; and that the husband shall not in anywise alien, discharge, grant or give away the same rent reserved, nor any part thereof, longer than during the coverture, without it be by fine levied by the said husband and wife; but that the same rent shall remain, descend, revert or come after the death of such husband, unto such person or persons and their heirs, in such manner and sort as the lands so leased should have done, if no such lease had been thereof made.

25 H. 8, c. 13.
 Leases of
 farms.

Leases of
 parsonages
 or vicarages.

IV. Provided also, that this act extend not to give any liberty or power to any person or persons to take any more farms, leases or takings of any manors, lands, tenements or other hereditaments, than he or they should or might lawfully have done before the making of this act; nor extend to give any liberty or power to any parson or vicar of any church or vicarage, for to make any lease or grant of any of their messuages, lands, tenements, tithes, profits or hereditaments belonging to their churches or vicarages, otherwise or in any other manner than they should or might have done before the making of this act; any thing contained in this act to the contrary notwithstanding.

A confirma-
 tion of leases
 made before

V. And furthermore be it enacted by authority aforesaid, that all leases at any time within the space of three years next before the

twelfth day of *April* in the thirty-first year of our sovereign lord the king's reign, made by writing indented under seal, by any person or persons of full age, of whole memory, not unlawfully coercted, nor being covert baron, for term of years, of any manors, lands, tenements or other hereditaments, whereof the lessor or lessors were seized of any estate of inheritance of and in the same, to their own only use, at the time of making any such lease thereof, and whereof the lessees, their executors or assigns, be now in possession by virtue of the same lease, and no cause of re-entry or forfeiture thereof had or made, shall be good and effectual in the law against the lessors, their heirs and successors, and the heirs and successors of every of them, according to the covenants, articles and agreements specified in every such indenture or lease: so always there be reserved and yearly payable during the same lease to the said lessors, their heirs or successors, or to such other as should or ought to have had the same manors, lands, tenements or hereditaments so leased after the decease of such lessors, in case no such lease had thereof been made, as much yearly rent for the same, as was at any time therefore yelden or paid within twenty years next before the making of any such lease, or else such leases to be of no other force nor effect than they were before the making of this present act.

VI. And moreover for certain consideration be it enacted by authority aforesaid, that no fine, feoffment or other act or acts hereafter to be made, suffered or done by the husband only, of any manors, lands, tenements or hereditaments, being the inheritance or freehold of his wife, during the coverture between them, shall in any wise be or make any discontinuance thereof, or be prejudicial or hurtful to the said wife or to her heirs, or to such as shall have right, title or interest to the same by the death of such wife or wives; but that the same wife and her heirs, and such other to whom such right shall appertain after her decease, shall and may then lawfully enter into all such manors, lands, tenements and hereditaments according to their rights and titles therein; any such fine, feoffment or other act to the contrary notwithstanding; fines levied by the husband and wife (whereunto the said wife is party and privy) only except.

the statute by certain persons, and upon certain conditions.

The husband's only act of the wife's land shall not prejudice her or her heirs.

Explained by 34 & 35 H. 8, c. 22.
6 Ed. 1, c. 3.
13 Ed. 1, st. 1, c. 3 & 40.
Moor 58, pl. 164.
Moor 872, pl. 1215.
2 Inst. 681.
410, 491, 499.

Hob. 243, 261. Dyer 72, 264, 368. Co. Lit. 326. 2 Roll

VII. Provided furthermore, that this clause or act extend not to give any liberty to any such wife, or to her heirs, for to avoid any lease hereafter to be made of any the inheritance of the wife by her husband and her for term of one and twenty years, or under, or any her inheritance for term of three lives at the uttermost, whereupon as much yearly rent or more is or shall be reserved, and yearly payable during the same lease, as was at any time therefore yelden or paid within twenty years next before making of any such lease, according to the tenor of this present act; any thing therein contained to the contrary notwithstanding.

Leases made by the husband and the wife of the inheritance of the wife. Gold. 102, pl. 119.

VIII. Provided also, that this act extend not to make good any lease or leases heretofore made by any ecclesiastical person or persons by their covent or common seal, which be made void or taken away by authority of any act of parliament heretofore made; nor extend to make good any lease or leases heretofore made by any

Leases made by ecclesiastical persons attainted of treason. 2 Roll 507.

See further concerning leases, 1 Eliz. c. 19. 13 Eliz. c. 10 & 20. 14 Eliz. c. 11 & 14. 18 Eliz. c. 6. 43 Eliz. c. 9, and 29 Geo. 2, c. 31.

Leases of hospitals, &c. good with consent of the more part Dyer 247. 19 H. 7, c. 7

In corporations none shall have a negative voice.

An oath shall not be observed which is taken contrary

ecclesiastical person or persons now being attainted of treason, under their covent seal, or otherwise; or by any other person or persons now being attainted of treason by act of parliament, or otherwise; but that all and singular such lease and leases, and every of them, now made, or hereafter to be made, shall be of such like effect and strength in the law, and none other, as they and every of them were before the making of this act; any thing before mentioned in this act to the contrary thereof notwithstanding.

33 HENRY 8, CAP. 27.—*The bill for leases of hospitals, colleges, and other corporations.*—Albeit that by the common laws of this realm of *England*, all assents, elections, grants and leases had, made and granted by the dean, warden, provost, master, president, or other governor of any cathedral church, hospital, college or other corporation by whatsoever name they be incorporate or founded, with the assent and consent of the more or greater part of their chapter, fellows or brethren of such corporation, having voices of assent thereunto, be as good and effectual in the law to the grantees and lessees of the same, as if the residue or the whole number of such chapter, fellows and brethren of such corporation, having voices of assent, had thereunto consented and agreed: yet the said common laws notwithstanding, divers founders of such deaneries, hospitals, colleges and corporations within the said realm, have upon the foundation and establishment of the same deaneries, hospitals, colleges and other corporations, established and made, amongst other their peculiar acts, local statutes and ordinances, that if any one of such corporation, having power or authority to assent or dis-assent, should and would deny any such grant or grants, that then no such lease, election or grant should be had, granted or leased; and for the performance of the same, every person having power of assent to the same, have been and be daily thereunto sworn, and so the residue may not proceed to the perfection of such elections, grants and leases, according to the course of the common laws of this realm, unless they should incur the danger of perjury; for the avoiding whereof, and for the due execution of the common law universally within this realm, and every place, in one conformity of reason to be used; be it ordained, established and enacted, by the authority of this present parliament, that all and every peculiar act, order, rule and statute heretofore made or hereafter to be made by any founder or founders of any hospital, college, deanery or other corporation, at or upon the foundation of any such hospital, college, deanery or corporation, whereby the grant, lease, gift or election of the governor or ruler of such hospital, college, deanery or other corporation, with the assent of the more part of such of the same hospital, college, deanery or corporation, as have or shall have voice of assent to the same, at the time of such grant, lease, gift, or election hereafter to be made, should be in anywise hindered or let by any one or more, being the lesser number of such corporation, contrary to the form, order and course of the common law of this realm of *England*, shall be from henceforth clearly frustrate, void and of none effect; and that all oaths heretofore taken by any person or persons of such hospital, college, deanery and other corporation, shall be, for and concerning the observance of any such order,

statute or rule, deemed void and of none effect; and that from henceforth no manner person or persons of any such hospital, college, deanery or other corporation, shall be in any wise compelled to take any oath for the observing of any such order, statute or rule, upon the pain of every person so giving such oath, to forfeit for every time so offending, five pounds; the one moiety thereof to be to the use of our sovereign lord the king, and the other moiety thereof to any of the king's subjects which will sue for the same in any the king's courts of record, by action of debt, bill, plaint, information or otherwise; wherein the defendant shall not be admitted to wage his law, nor any protection nor essoin, or any other dilatory plea admitted or allowed.

Further provisions respecting corporations, 2 & 3 P. & M. c. 18. 13 Car. 2, st. 2, c. 1. 5 Geo. 1, c. 6, and 11 Geo. 1, c. 4.

33 HENRY 8, CAP. 30.—All leases, grants and other writings to be made by the bishop of *Coventry* and *Lichfield* for the time being, in writing under his seal, of any his lands, offices, fees, &c., and confirmed by the dean and chapter of *Lichfield* in writing under their chapter seal, shall be good in law to bind in succession the successors of the said bishop: and the dean and chapter of *Lichfield* shall be for ever the entire and sole chapter of the said bishopric of *Coventry* and *Lichfield*, whereof the prior and covent of the dissolved priory of *Coventry* were heretofore the moiety or half part.

PR.

34 & 35 HENRY 8, CAP. 15.—All gifts, grants and writings to be made by the bishop of *Bath* and *Wells*, under his seal, of any his lands, offices, fees, &c. and confirmed by the dean and chapter of *Wells* in writing under their chapter seal, shall be good in law to bind the successors of the said bishop: and the dean and chapter of *Wells* shall be for ever the entire and sole chapter of the said bishopric of *Bath* and *Wells*, whereof the prior and covent of the dissolved monastery of *Saint Peter* and *Paul* of *Bath* were heretofore the half part.

PR.

1 & 2 PHILIP & MARY, CAP. 17.—*An act touching leases hereafter to be made by certain spiritual persons.*—Where in the parliament begun and holden at *Westminster* the eighth day of *June* in the twenty-eighth year of the reign of our late king of famous memory, *Henry* the eighth, and there continued and kept until the dissolution of the same parliament the eighteenth day of *July* next following, one act intituled, *an act for the restitution of the first fruits in the time of vacation to the next incumbent*, was had and made, wherein are certain clauses for leases then made and to be made by spiritual and ecclesiastical persons, to endure and be in force for term of six years, if the incumbents did resign their said spiritual promotions, or if the same should otherwise become void by the only act of the same incumbents, as by the same act more at large may appear: to the intent the parsons and vicars, and others having cure of souls, may the better attend, and be the more vigilant in their ministry and function:

So much of the stat. of 28 H. 8, c. 11, as concerneth the ratifying of a lease made by a spiritual person of his benefice to a lay man, for some years after the lessor's resignation or death, altered. Dyer 255, pl. 7.

II. Be it enacted by the king our sovereign lord, and by the queen our sovereign lady, with the assents of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that as much of the same act as doth concern the making good of the said leases, nor any clause, sentence, provision or article therein contained, shall extend or be construed

The stat. of 28 H. 8, c. 11, shall not extend to leases hereafter to be made by spiritual persons.

or adjudged to extend to any lease that shall be made by any parson, vicar, or any other having any spiritual promotion after the feast of the purification of our lady next coming.

1 ELIZABETH, CAP. 19.—*An act giving authority to the queen's majesty, upon the avoidance of any archbishopric or bishopric, to take into her hands certain of the temporal possessions thereof recompensing the same with parsonages impropriate and tenths.*—See Title—"AVOIDANCE OF BISHOPRICS," vol. i. p. 230.

13 ELIZABETH, CAP. 10.—*Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidations shall be void, &c.*—See Title—"DILAPIDATIONS," vol. ii. p. 495.

Godbolt 29,
pl. 38.
Poph. 8.
How long
the lease of
a benefice
shall endure.
Co. 205.
1 Leon 307,
333.
1 Bulstr. 111.
Further pro-
visions relat-
ing hereto,
18 Eliz. c. 11,
s. 7.
43 Eliz. c. 9,
s. 8.
No benefice
with cure
shall be
charged with
a pension.
Goldsb. 154.
1 Brownl. 208.
Noy 116.
Yelv. 106.
Cro. El. 78,
88, 123, 490, 564.
The parson's
lease to his
curate.
3 Leon. 102.
1 Leon. 100.
Goldsb. 162.

13 ELIZABETH, CAP. 20.—*An act touching leases of benefices, and other ecclesiastical livings with cure.*—That the livings appointed for ecclesiastical ministers may not by corrupt and indirect dealings be transferred to other uses; be it enacted by the authority of this present parliament, that no lease after the fifteenth day of *May* next following the beginning of this parliament, to be made of any benefice or ecclesiastical promotion with cure, or any part thereof, and not being impropriated, shall endure any longer than while the lessor shall be ordinarily resident and serving the cure of such benefice without absence above fourscore days in any one year, but that every such lease, so soon as it or any part thereof shall come to any possession or use above forbidden, or immediately upon such absence, shall cease and be void; and the incumbent so offending shall for the same lose one year's profit of his said benefice, to be distributed by the ordinary among the poor of the parish: and that all chargings of such benefices, with cure hereafter with any pension, or with any profit out of the same to be yielded or taken, hereafter to be made, other than rents to be reserved upon leases hereafter to be made according to the meaning of this act, shall be utterly void.

II. Provided, that every parson by the laws of this realm allowed to have two benefices, may demise the one of them upon which he shall not then be most ordinarily resident, to his curate only, that shall there serve the cure for him; but such lease shall endure no longer than during such curate's residence, without absence above forty days in any one year: this act to continue to the end of the next parliament.

14 ELIZABETH, CAP. 11, SECS. 11, 14, 15, 16, 17, 19, & 20.—*An act for the continuation, explanation, perfecting and enlarging of divers statutes.*

13 Eliz. c. 20, XI. And where also in the said parliament begun and holden at *Westminster* the said second day of *April*, there was also one other act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled *an act touching leases of benefices and ecclesiastical livings with cure*; which act was likewise made to continue to the end of the next parliament.

XIV. Provided also, and be it enacted that these words [so soon as it or any part thereof shall come to any possession or use above forbidden, or] which words are contained in the said statute made in the said thirteenth year, touching leases of benefices, and other ecclesiastical livings with cure, shall not be revived by this act but

Certain
words con-
tained in the
statute of
13 Eliz. c. 20,
discontinued

remain discontinued, and shall from henceforth be omitted out of the said act; any thing in the said act, or in this act to the contrary notwithstanding.

XV. And where sundry evil disposed persons have defrauded the true meaning of the said last mentioned statute made in the said thirteenth year, by bonds and covenants of suffering other persons to enjoy ecclesiastical livings, and the fruits thereof, for that such bonds and covenants are not in law taken to be leases, although indeed they amount to as much: be it therefore enacted, that all bonds, contracts, promises and covenants hereafter to be made for suffering or permitting any person to enjoy any benefice or ecclesiastical promotion with cure, or to take profits or fruits thereof, other than such bonds and covenants as shall be made for assurance of any lease heretofore made, shall be to all intents and purposes adjudged of such force and validity and not otherwise, as leases by the same persons made of such benefices and ecclesiastical promotions with cure.

Co. 205.
Bonds and covenants for the enjoying of leases shall be void.
43 Eliz. c. 9.
1 Bulstr. 112.
3 Bulstr. 202.
Moor 641,
883.

XVI. And be it further declared and enacted, that all leases, bonds, promises and covenants of and concerning benefices and ecclesiastical livings with cure, to be made by any curate, shall be of no other nor better force, validity or continuance, than if the same had been made by the beneficed person himself that demised, or shall demise the same to any such curate.

Leases made by curates, of benefices, with cure.

XVII. And where in one other act made in the said thirteenth year, intituled, *an act against fraudulent gifts, to the intent to defeat dilapidations of ecclesiastical livings, and for leases to be granted by collegiate churches*, there is one branch to avoid certain leases to be made by masters and fellows of colleges, deans, and chapters of cathedral or collegiate churches, masters or guardians of any hospital, or by any parson, vicar or any other, having any spiritual or ecclesiastical living; be it enacted, that the said branch, nor any thing therein contained, shall not extend to any grant, assurance or lease of any houses belonging to any the persons or bodies politic or corporate aforesaid, nor to any grounds to such houses appertaining, which houses be situate in any city, borough, town corporate or market town, or the suburbs of any of them, but that all such houses and grounds may be granted, demised and assured, as by the laws of this realm, and the several statutes of the said colleges, cathedral churches and hospitals, they lawfully might have been before the making of the said statute, or lawfully might be if the said statute were not; so always that such house be not the capital or dwelling house used for the habitation of the persons abovesaid, nor have ground to the same belonging above the quantity of ten acres; any thing in the said act to the contrary notwithstanding.

13 Eliz. c. 10.

Leases made by spiritual persons of houses in cities or corporate towns.
2 Leon 188.
1 Roll 161.

XIX. Provided alway, and be it enacted, that no lease shall be permitted to be made by force of this act, in reversion, nor without reserving the accustomed yearly rent at the least, nor without charging the lessee with the reparations, nor for longer term than forty years at the most; nor any houses shall be permitted to be aliened, unless that in recompense thereof there shall be afore, with or presently after such alienation, good, lawful and sufficient assurance made in fee simple absolutely to such colleges, houses, bodies

Certain observations in the leases to be made by spiritual persons according to this statute.
No college shall alien any house without

present and
sufficient
satisfaction.

politic or corporate, and their successors, of lands of as good value, and of as great yearly value at the least, as so shall be aliened; any statute to the contrary notwithstanding.

Continuance
until the end
of the next
parliament
of the before
mentioned
statutes.

XX. And forasmuch as all the same several acts and statutes and every of them do seem good, beneficial and needful to be further continued, for the weal and profit of this realm, be it therefore now enacted, by the queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the same several acts and statutes and every of them, and all and every article, clause and sentences, in them and every of them contained, shall continue, be and endure in full force and effect until the end of the next parliament. [39 Eliz. c. 18.]

18 ELIZABETH, CAP. 11.—*An act for explanation of the statutes, intituled, against defeating of dilapidations, and against leases to be made of spiritual promotions in some respects.*—For SECS. 1—6, See Title—"DILAPIDATIONS," vol. ii. p. 499;

13 Eliz. c. 20.

VII. And whereas in one other statute made in the said thirteenth year of her majesty, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure*, one clause is contained, that the incumbent offending the purport of the said statute shall for the same lose one year's profit of his said benefice, to be distributed by the ordinary among the poor of the parish, as by the said branch in the said last recited statute appeareth: be it therefore enacted by the authority aforesaid, that after complaint made to the ordinary, and sentence given upon any offence committed by the incumbent, whereby he shall or ought to lose one year's profit of his benefice as afore shewed, that the ordinary within two months after such sentence given, and request to him made by the churchwardens of the said parish or one of them, shall grant the sequestration of such profits to such inhabitant or inhabitants within the parish where such benefice shall be, as to him shall seem meet and convenient; and upon default therein by the ordinary, that it may and shall be lawful to every parishioner where the benefice is, to retain and keep his or their tithes, and likewise for the churchwardens of the said parish, to enter and take the profits of the glebe lands, and other rents and duties of every such benefice, to be employed to the use of the poor as aforesaid, until such time as sequestration shall be committed by the ordinary, and then as well the churchwardens as the parishioners, to yield account of, and make payment to him or them to whom such sequestration shall be committed; and that he or they to whom such sequestration shall be committed from time to time, shall justly and truly employ and bestow the said profits, or the true and just value thereof, without fraud or guile, to such uses as by the said statute is limited and appointed, upon pain of forfeiture of the double value of such withholden profits, to be recovered in the ecclesiastical court by the poor of the said parish. [4 Co. 120. Co. Lit. 44.]

In what case
sequestra-
tion may be
granted by
the ordinary
of a benefice
demised con-
trary to the
statute of
13 Eliz. c. 20.

In what case
the parish-
ioners may
retain the
tithes.

27 ELIZABETH, CAP. 11.—Certain statutes, viz. nineteen, made in the reigns of king *Henry* the eighth, king *Edward* the sixth, and queen *Elizabeth* revived, and made to continue until the end of the next parliament. EXP.

29 ELIZABETH, CAP. 5, SECS. 11, 14, 17, & 19.—*An act for the continuance and perfecting of divers statutes.*

XI. And where also in the parliament begun and holden at *Westminster* the second day of *April* in the thirteenth year of her majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure.* Leases.
13 Eliz. c. 20.

XIV. And where in the parliament holden at *Westminster* the eighth day of *May* in the fourteenth year of her highness' reign, there was one other act made, intituled, *an act for the continuation, explanation, perfecting and enlarging of divers statutes*; in which statute are contained divers branches, clauses and provisions, touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned. 14 Eliz. c. 11.
Continuance of statutes.

XVII. And where in the parliament holden at *Westminster* the three and twentieth day of *November* in the seven and twentieth year of her majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions. 27 Eliz. c. 11.
Continuance of statutes.

XIX. forasmuch as all the same several acts and statutes, branches, clauses, and provisions, and every of them, do seem good, beneficial and needful to the weal and profit of this realm: be it therefore further enacted by the authority of this present parliament, that the foresaid several last recited statutes and acts, and the said mentioned branches, clauses, provisions, additions, alterations and explanations and every of them, and all and every article, clause and sentence in them and every of them contained, shall be continued and endure in full force and effect during the time hereafter mentioned, that is to say, till the end of the next parliament next ensuing. Continuance until the end of the next parliament of the before mentioned statutes.
EXP.

31 ELIZABETH, CAP. 10, SECS. 9, 12, 15, & 18.—*An act for the continuance and perfecting of divers statutes.*

IX. And where also in the parliament begun and holden at *Westminster* the second day of *April* in the thirteenth year of her majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases to be made of ecclesiastical promotions with cure, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure.* Leases.
13 Eliz. c. 20.

XII. And where in the parliament holden at *Westminster* the eighth day of *May* in the fourteenth year of her highness' reign, there was one other act made, intituled, *an act for the continuation, explanation, perfecting and enlarging of divers statutes*; in which statutes are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned. 14 Eliz. c. 11.

XV. And where in the parliament holden at *Westminster* the three and twentieth day of *November* in the seven and twentieth year of her majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which Continuance
27 Eliz. c. 11.

are contained divers branches, provisions and clauses touching and concerning certain additions and alterations, unto and of divers of the said former recited statutes, and other new provisions.

Continuance
until the end
of the next
parliament
of the before
mentioned
statutes.
EXP.

XVIII. Forasmuch as the branches, clauses and provisions, contained and specified in the said two acts of continuance, made in the fourteenth and seven and twentieth years of her majesty's reign, in addition, alteration, explanation, perfecting and enlarging of divers of the said statutes, and other statutes, and all the residue of the said recited acts, do seem good and beneficial to the weal and profit of this realm; be it enacted, that the said branches, clauses and provisions of the said two acts of continuance, and all the residue of the said recited statutes and acts and every of them, and all and every article, clause and sentence in them and every of them contained, shall be continued and endure in full force and effect until the end of the next parliament next ensuing.

35 ELIZABETH, CAP. 7, SECS. 10, 13, 16, & 19.—*An act for the reviving, continuance, explanation and perfecting of divers statutes.*

Leases,
13 Eliz. c. 20.

X. And where also in the parliament begun and holden at *Westminster* in the second day of *April* in the thirteenth year of her majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure.*

14 Eliz. c. 11.

XIII. And where in the parliament holden at *Westminster* the eighth day of *May* in the fourteenth year of her highness' reign, there was one other act made, intituled, *an act for the continuation, explanation, perfecting and enlarging of divers statutes*; in which statute are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned.

Continuance
27 Eliz. c. 11.

XVI. And where in the parliament holden at *Westminster* the three and twentieth day of *November* in the seven and twentieth year of her majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions.

Continuance
until the end
of the next
parliament
of the before
mentioned
statutes.

XIX. forasmuch as the branches, clauses and provisions, contained and specified in the said two acts of continuance, made in the fourteenth and seven and twentieth year of her majesty's reign, in addition, alteration, explanation, perfecting and enlarging of divers the said statutes, and other statutes, and all the residue of the said recited acts, do seem good and beneficial to the weal and profit of this realm: be it enacted by the authority of this present parliament, that the said branches, clauses and provisions of the said two acts of continuance, and all the residue of the said recited statutes and acts, and every of them, and all and every article, clause and sentence in them and every of them contained, and by this present act not repealed, shall be continued and endure in force and effect until the end of the parliament next ensuing.

39 ELIZABETH, CAP. 18, SECS. 10, 13, 18, & 41.—*An act for the reviving, continuance, explanation, perfecting and repealing of divers statutes.*

X. And where also in the parliament begun and holden at *Westminster* the second day of *April* in the thirteenth year of her majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure.* Leases.
13 Eliz. c. 20.

XIII. And where in the first session of parliament holden at *Westminster* the eighth day of *May* in the fourteenth year of her highness' reign, there was one other act made, intituled, *an act for the continuance, explanation, perfecting and enlarging of divers statutes*; in which statutes are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned. Continuance
14 Eliz. c. 11.

XVIII. And where in the parliament holden at *Westminster* the three and twentieth day of *November* in the seven and twentieth year of her majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions. Continuance
27 Eliz. c. 11.

XLI. be it enacted by the authority of this present parliament, that the said branches, clauses and provisions of the said two acts of continuance, and the residue of the said recited statutes and acts, except before excepted, and every of them shall be by authority of this present parliament revived, continued, and endure in force and effect until the end of the next parliament next ensuing. The afore-said stat. of
14 Eliz. c. 11.
27 Eliz. c. 11,
renewed and continued until the end of the next parliament.

43 ELIZABETH, CAP. 9, SECS. 8 & 27.—*An act for continuance of divers statutes, and for repeal of some others.*

VIII. And that an act made in the thirteenth year of the queen's majesty's reign that now is, intituled, *an act touching leases of benefices and other ecclesiastical livings with cure*, together with all and every explanations, additions and alterations thereof, or thereunto made by any other statute or statutes made sithence the making of the said act, and now continuing in force; with this further addition to be enacted by authority of this present parliament, that all judgments hereafter to be had, for the intent to have or enjoy any lease contrary to the said statutes, or any of them, shall be deemed void in such sort as bonds and covenants are appointed to be void which are made for that purpose. Leases,
13 Eliz. c. 20.
Continuance
14 Eliz. c. 11.
18 Eliz. c. 11.
Judgments void as bonds and covenants for leases of benefices with cure.

XXVII. shall be continued and remain in force until the end of the first session of the next parliament.

2 JAMES 1, CAP. 25, SECS. 1, 8, & 24.—*An act for continuing and reviving of divers statutes, and for repealing of some others.*—Be it enacted by the authority of this present parliament,

VIII. That three acts made in the thirteenth year of her late majesty's reign: one intituled, another the third, *an act touching leases of benefices and other ecclesiastical livings with cure*, together with all and every explanations, additions and alterations thereof, or of any of them, or to any of them, made Leases,
13 Eliz. c. 20.
14 Eliz. c. 11.
18 Eliz. c. 11.
43 Eliz. c. 9.

by several statutes of the fourteenth, eighteenth and three and fortieth years of her said late majesty's reign:

XXIV.shall be continued and remain in force until the end of the first session of the next parliament.

Leases,
13 Eliz. c. 20.
14 Eliz. c. 11.
18 Eliz. c. 11.
43 Eliz. c. 9.

21 JAMES 1, CAP. 28, SEC. 1.—*An act for continuing and reviving of divers statutes, and repeal of divers others.*—Be it enacted by the authority of this present parliament, that three acts made in the thirteenth year of her said majesty's reign, one intituled, one other, another intituled, *an act touching leases of benefices and other ecclesiastical livings with cure*; together with all and every explanations, additions and alterations thereof, or of any of them, or to any of them, made by several statutes of the fourteenth, eighteenth and three and fortieth year of her said late majesty's reign: shall by virtue of this act be adjudged, ever since the session of parliament in the seventh year of his majesty's reign of *England*, to have been of such force and effect as the same were the last day of that session, and from thenceforth until the end of the first session of the next parliament.

3 CHARLES 1, CAP. 4, SECS. 1, 2, & 4.—*An act for continuance and repeal of divers statutes.*—Be it enacted by the authority of this present parliament, that

Leases,
13 Eliz. c. 20.
14 Eliz. c. 11.
18 Eliz. c. 11.
43 Eliz. c. 9.

II. One act made in the thirteenth year of the reign of the late queen *Elizabeth*, intituled, *an act touching leases of benefices, and other ecclesiastical livings with cure*; together with all and every explanations, additions and alterations thereof or any of them, or to any of them, made by several statutes in the fourteenth, eighteenth and three and fortieth years of her said late majesty's reign:

The four acts
above men-
tioned made
perpetual.

IV. be by authority of this parliament made perpetual, and shall from henceforth stand in full force and effect, and be put in due execution for ever hereafter.

Preamble.

5 GEORGE 3, CAP. 17.—*An act to confirm all leases already made by archbishops and bishops, and other ecclesiastical persons, of tithes and other incorporeal hereditaments, for one, two, or three life or lives, or twenty-one years; and to enable them to grant such leases and to bring actions of debt for recovery of rents reserved and in arrear on leases for life or lives.*—Whereas it may be doubtful whether, by the laws now in being, archbishops or bishops, masters and fellows, or any other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, or any other person or persons having any spiritual or ecclesiastical promotions, heretofore had, or now have, any power to make or grant any lease or leases of tithes, or other incorporeal hereditaments only, which lie in grant and not in livery, for one, two, or three lives, or for any term or terms of years not exceeding twenty-one years, although the ancient rent or yearly sum is thereby mentioned to be reserved, and all other requisites prescribed by the acts of parliament now in being to that end, or any of them, were or are justly and truly observed and performed, by reason that there is generally no place wherein a distress can be had or taken for such rent or yearly sum; and it may be also doubtful whether, in cases of such leases for life or lives, there is any remedy in law for such ecclesiastical or other persons by action of debt or otherwise, for

recovering the rent or yearly sum due and in arrear which is mentioned to be reserved on such leases for life or lives: therefore, for obviating all doubts touching the same, and enabling the said archbishops and bishops, masters and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other ecclesiastical persons, to make valid leases of such their incorporeal hereditaments, and to recover the rents or yearly sum mentioned to be reserved on any leases by them already granted, or to be granted, for one, two, or three lives, as aforesaid; and also to make good and effectual all such leases as have already been granted by them, or any of them: may it please your majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all leases for one, two, or three life or lives, or any term not exceeding twenty-one years, already made and granted, or which shall at any time from and after the passing this act be made or granted, of any tithes, tolls, or other incorporeal hereditaments, solely, and without any lands or corporeal hereditaments, by any archbishop or bishop, master and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and every other person and persons who are enabled by the several statutes now in being, or any of them, to make any lease or leases for one, two, or three life or lives, or any term or number of years not exceeding twenty-one years, of any lands, tenements, or other corporeal hereditaments, shall be, and are hereby deemed and declared to be, as good and effectual in law against such archbishop, bishop, masters and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other persons so granting the same, and their successors, and every of them, to all intents and purposes, as any lease or leases already made or to be made by any such archbishop or bishop, master and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other persons having spiritual promotion, of any lands or other corporeal hereditaments now are, by virtue of the statute of the thirty-second year of king *Henry* the eighth, or any other statute now in being; any law, custom, or usage, to the contrary thereof in any wise notwithstanding.

Leases already made, or that shall be made, by ecclesiastical persons, of tithes and other incorporeal hereditaments for life or lives, or years, declared to be good in law.

as those granted by virtue of act 32 H. 8, c. 28.

II. Provided always, that nothing herein contained shall extend, or be construed to extend, to enable any master and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, or other ecclesiastical persons as aforesaid, to grant leases for any longer or other terms than, by the local statutes of their several foundations, they are now respectively enabled to do.

Masters and fellows of colleges, &c. disabled from granting leases for any longer term than their statutes allow.

III. And be it further enacted and declared by the authority aforesaid, that in case the rent or rents, or yearly sum or sums, reserved or made payable in or by any lease or leases already made or to be made by any archbishop or bishop, master and fellows, or

Actions may be brought for recovery of rents reserved and in arrear on

leases for
life or lives.

other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and every other person and persons so enabled to make leases as aforesaid, for one, two, or three life or lives, or years, in pursuance of the several acts of parliament already in being, or by this present act, or any part thereof, shall be behind or unpaid by the space of twenty-eight days next over or after any of the days whereon the same, by such lease or leases, now are or hereafter shall or may be reserved and made payable; then, and so often, and, from time to time, as it shall so happen, it shall and may be lawful for such archbishop or bishops, master and fellows, or other head and members of colleges or halls, deans and chapters, prebendaries, precentors, masters and guardians of hospitals, and other persons so making or granting, or having made or granted, such leases as aforesaid, or their executors, administrators, and successors respectively, to bring an action or actions of debt against the lessee or lessees to whom any such lease or leases for life or lives, or years, now are or hereafter shall be made and granted, his, her, or their heirs, executors, administrators or assigns, for recovering the rent or rents which shall be then due and in arrear to any such archbishop or bishops, masters and fellows, or other heads and members of colleges or halls, deans, chapters, precentors, prebendaries, master and guardians of hospitals, and other person or persons before mentioned, his or their executors, administrators, or successors, in such and the same manner, and as fully and effectually to all intents and purposes, as any landlord or lessor, or other person or persons, could or might do for recovering of arrears of rent due on any lease or leases for life or lives, or years, by the laws now in being; any law, statute, usage, or custom, to the contrary notwithstanding.

Public act.

IV. And it is hereby further enacted and declared by the authority aforesaid, that this act shall be deemed and taken to be a public act; and shall be judicially taken notice of as such, in all courts of law and equity, without specially pleading the same.

39 & 40 GEORGE 3, CAP. 41.—*An act for explaining and amending several acts, made in the thirty-second year of king Henry the eighth, and the first, thirteenth, and fourteenth years of the reign of queen Elizabeth, so far as respects leases granted by archbishops, bishops, masters and fellows of colleges, deans and chapters of cathedral and collegiate churches, masters and guardians of hospitals, and others having any spiritual or ecclesiastical living or promotion.*—Whereas doubts have arisen whether archbishops, bishops, masters and fellows of colleges, deans and chapters of cathedral and collegiate churches, masters and guardians of hospitals, and others having any spiritual or ecclesiastical living or promotion, who are by several acts, passed in the reigns of their late majesties king *Henry* the eighth and queen *Elizabeth*, restrained from granting any leases of their estates whereon the accustomed yearly rent is not reserved, can lawfully grant separate leases of parts of lands or tenements which have been usually demised by one lease and under one rent, reserving on the several parts so demised less than the rent anciently reserved on the demise of the whole, though the aggregate amount of the rents so reserved on such separate demises should be equal to or exceed the amount

of the annual accustomed rent for the whole: and whereas many such separate leases have been granted, and great inconvenience may arise to persons claiming under such leases, if such leases should not be deemed valid and effectual, in case the amount of the rent anciently reserved on demises of the whole shall appear to have been reserved on the separate demises of the different parts; and the power of dividing tenements, anciently so demised, in one parcel at one rent, may in many cases tend to improve the value of the estates belonging to such ecclesiastical persons and bodies respectively, as well as to the benefit of their lessees and the public; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in all cases where any honors, castles, manors, messuages, lands, tithes, tenements, or other hereditaments, being parcel of the possessions of any archbishop, bishop, master and fellows, dean and chapter, master or guardian of any hospital, or any other person or persons, or body or bodies politic or corporate, having any spiritual or ecclesiastical living or promotion, and having been anciently or accustomably demised by one lease under one rent, or divers rents issuing out of the whole, now are or shall hereafter be demised by several leases to one or several persons under an apportioned or several rents, or where a part only of such honors, manors, messuages, lands, tithes, tenements, or other hereditaments as last mentioned, are or shall be demised by a separate lease or leases, under a less rent or less rents than was or were accustomably reserved for the whole by such former lease, and the residue thereof is or shall be retained in the possession or occupation of the lessor or lessors, the several and distinct rents reserved on the separate demises of the several specific parts thereof comprised in and demised by such several leases, shall be deemed and taken to be the ancient and accustomed rents for such specific parts respectively, within the intent and meaning of an act passed in the thirty-second year of the reign of his late majesty king *Henry* the eighth, intituled, *lessees to enjoy the farm against the tenants in tail*; and of an act, passed in the first year of the reign of her late majesty queen *Elizabeth*, intituled, *an act giving authority to the queen's majesty, upon the avoidance of any archbishop or bishop, to take into her hands certain of the temporal possessions thereof, recompensing the same with parsonages impropriate, and tithes*; and of another act, passed in the thirteenth year of the same queen, intituled, *fraudulent deeds made by spiritual persons, to defeat their successors of remedy for dilapidations, shall be void, &c.*; and of another act, passed in the fourteenth year of the reign of the same queen, intituled, *an act for the continuation, explanation, perfecting, and enlarging of divers statutes.*

Where any part of the possessions of any archbishop, &c. or person having any ecclesiastical living, shall be demised by several leases, which was formerly demised by one, or where a part shall be demised for less than the ancient rent, and the residue shall be retained in the possession of the lessor, the several rents reserved on the separate demises of the specific parts shall be taken to be the ancient rents within the meaning of 32 H. 8, c. 28. 1 Eliz. c. 19. 13 Eliz. c. 10, and 14 Eliz. c. 11.

II. Provided always, that nothing herein contained shall extend to confirm or render valid any demise made before the passing of this act, unless the several rents reserved upon the separate demises of separate parts of tenements, theretofore accustomably demised under one entire lease, shall be equal to or more than the rent or rents theretofore accustomably reserved on the entire demise of the

Demise made before passing this act not valid, unless the rents reserved be equal to or more than the

rents accustomedably reserved, &c.

Where the whole of such premises shall in future be demised in parts, the aggregate rents reserved shall not be less than the old accustomed rent, and so in proportion where a part shall be retained in possession by the lessor.

No greater proportion of the accustomed rent shall be reserved by any separate

Where any specific thing shall have been reserved by the lessor, it may be charged on a competent part of the premises, &c.

No lease confirmed whereon no annual rent to the lessor is reserved.

Not to authorize the reservation of any rent on any such lease made by any master, &c. of any college in the universities, &c. in any other manner than is required

whole, or in case the whole should not be demised, but part reserved in the possession of the lessor or lessors, unless the rents reserved on the parts demised should be so far equal to or more than the whole amount of the ancient rent or rents, that the part not demised should be sufficient to answer the difference.

III. Provided also, that where the whole of any such honors, castles, manors, messuages, lands, tithes, tenements, or other hereditaments, accustomedly demised by one lease, shall be demised in parts by several leases, after the passing of this act, the aggregate amount of the several rents which shall be reserved by such separate leases, be not less than the old accustomed rent or rents theretofore reserved by such entire lease; and that where a part only shall be so demised by any such separate lease, and the residue shall be retained in the possession of the lessor or lessors, the rent or rents to be reserved by such separate lease or leases, shall not be less in proportion to the fine or fines to be received on granting such lease or leases, than the rent or rents accustomed to be reserved for the whole of the said premises, was in proportion to the fine received on granting the last entire lease.

IV. Provided also, that no greater proportion of the accustomed rent be reserved by any separate lease hereby confirmed or allowed to be granted, than the part of the premises thereby severally demised will reasonably bear and afford a competent security for.

V. Provided also, that where any specific thing, incapable of division or apportionment shall have been reserved or made payable to the lessor or lessors, his or their heirs or successors, either by way of rent, or by any covenant or agreement contained in any such entire lease, the same may be wholly reserved and made payable out of a competent part of such lands or tenements demised by any such several lease as aforesaid; and in case, in any lease already granted, and intended hereby to be confirmed, any such provision shall appear to have been made for the payment and delivery of any such sum or sums of money, stipends, augmentations, or other things as aforesaid, the same shall be deemed and taken to have been lawfully made, in case the lands and tenements charged therewith shall be of a greater annual value than the payment or other things so charged, exclusive of the rent or other annual payment reserved to the lessor or lessors.

VI. Provided further, that nothing herein contained shall extend to authorize or confirm any lease whereon no annual rent is or shall be reserved to the lessor or lessors, his or their successors or assigns.

VII. Provided also, and be it further enacted, that this act, or any thing herein contained, shall not authorize the reservation or payment of any rent or rents upon any such several lease made or to be made under authority of this act, by any master, provost, president, warden, dean, governor, rector, or chief ruler of any college, cathedral church, hall or house of learning, in the universities of *Oxford* and *Cambridge*, or by the warden or other head officer of the colleges of *Winchester* and *Eton*, in any other manner or proportions than is required by an act passed in the eighteenth year of the reign of her said

late majesty queen *Elizabeth*, intituled, *an act for the maintenance of the colleges in the universities, and of Winchester and Eton.* by 18 Eliz. c. 6.

VIII. Provided also, that where any such accustomably entire leases as aforesaid shall have usually contained covenants on the part of the lessee or lessees for the payment or delivery, or shall have in any other manner subjected or charged such lessee or lessees to or with the payment or delivery, of any sum or sums of money, stipend, augmentation, or other thing, to or for the use of any vicar, curate, schoolmaster, or other person or persons, other than and besides the lessor or lessors, and his or their heirs or successors, all or any such leases as shall hereafter be granted of the same lands or tenements in severalty as aforesaid, shall and may lawfully provide for the future payment and delivery of such sum or sums of money, stipends, augmentations, or other things, by and out of any part or parts of the lands or tenements accustomably charged therewith, not being of less annual value than three times the amount of the payment so to be charged thereon, exclusive of the proportion of rent or other annual payments to be reserved to the lessor or lessors.

IX. Provided always, that nothing in this act shall extend to establish or confirm the claim of any vicar, curate, schoolmaster, or other person or persons, to any such sum or sums, salary, stipend, or other thing as aforesaid, the payment and continuance whereof shall depend only on the will of the person or persons, or body or bodies politic or corporate, granting or renewing such lease or leases respectively. Not to confirm the claim of any vicar, &c. to such payment, where it depends only on the will of the person granting or renewing the lease.

X. And be it further enacted, that where any person or persons now holding, or who shall hereafter hold, any such lease or leases, as in this act mentioned, shall or may hold the same, or any specific part of the lands or tenements thereby demised, in trust for any other person or persons, or for any body or bodies politic or corporate, or shall have granted any under lease or under leases of any specific part or parts of his, her, or their respective holdings, and be under any covenant or engagement for renewal thereof, to any other person or persons, body or bodies politic or corporate, when and as often as his, her, or their own lease or leases shall be renewed, it shall and may be lawful for such person or persons as first mentioned, at any time or times after the passing of this act, to surrender his, her, or their lease or leases, in order that separate and distinct leases may be granted by the original lessor or lessors of such specific parts of the same premises as shall have been held in trust, or subject to such covenants or engagements for renewal as aforesaid, to the respective under lessees and cestuique trusts, upon fair and reasonable terms, subject to an apportionment of the accustomed rent or rents, and other payments, according to the intent and meaning of this act; and every such surrender so made, and the new leases to be granted thereon, according to the intent and meaning of this act, shall be good and effectual in law and equity, notwithstanding such under lessees and cestuique trusts, or any of them, shall or may be infants, issue unborn, femmes covert, persons absent from the realm or otherwise incapacitated to act for themselves, provided that such new leases respectively be for the benefit of the several persons entitled to the benefit of such surrendered lease or leases Persons holding such leases in trust, or granting under leases of specific parts under covenants of renewal, may surrender them, that separate leases may be granted by the original lessors to the cestuique trusts and under lessees on reasonable terms, subject to the accustomed rent, &c.

respectively, and be expressly so declared in the body of each such new leases respectively.

41 GEORGE 3, CAP. 109, SEC. 38.—*An act for consolidating in one act certain provisions usually inserted in acts of inclosure; and for facilitating the mode of proving the several facts usually required on the passing of such acts.*

The rector or vicar with the consent of the bishop of the diocese, and of the patron of the living, may lease allotments for twenty-one years, upon certain conditions.

XXXVIII. And be it further enacted, that it shall be lawful for the rector or vicar for the time being of any parish wherein the lands and grounds intended to be inclosed shall be situate, by indenture or indentures, under his hand and seal, with the consent and approbation of the bishop of the diocese, and of the patron of the said rectory or vicarage, to lease or demise all or any part or parts of the allotment or allotments to be set out and allotted to any such rector or vicar, by virtue of any such act, to any person or persons whomsoever, for any term not exceeding twenty-one years, to commence within twelve calendar months next after the executing the award; so that the rent or rents for the same shall be thereby reserved to the rector or vicar for the time being, by four equal quarterly payments in every year: and so that there be thereby also reserved and made payable to such rector or vicar, the best and most improved rent or rents that can reasonably be had or gotten for the same, without taking any fine, foregift, premium, sum of money, or other consideration, for the making or granting any such lease or demise; and so that no such lessee by any such lease or demise be made dispunishable for waste, by any express words to be therein contained; and so that there be inserted in every such lease, power of re-entry on non-payment of the rent or rents to be thereby reserved, within a reasonable time to be therein limited, after the same shall become due; and so that a counterpart of such lease be duly executed by the lessee or lessees to whom such lease shall be so made as aforesaid; and every such lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

12 H. 8, c. 13.

42 GEORGE 3, CAP. 86.—*An act to continue, until the eighth day of April one thousand eight hundred and three, an act, passed in the last session of parliament for staying proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and of taking of farms; and also to stay proceedings in actions under an act of the thirteenth year of queen Elizabeth, touching leases of benefices, and other ecclesiastical livings, with cure.* Whereas an act passed in the thirteenth year of the reign of queen Elizabeth, intituled, *an act touching leases of benefices, and other ecclesiastical livings, with cure*: and whereas it is expedient that all proceedings and actions thereon, and also all the provisions of the said act relating to the making void any lease, should also be suspended.

13 Eliz. c. 20.

Proceedings under 13 Eliz. c. 20, in actions brought previous to April 8, 1803, shall be stayed on application to the court, &c.

II. And be it further enacted, that, from and after the passing of this act, it shall and may be lawful for the defendant in any action already commenced, or which shall be commenced, for any penalty or forfeiture under the said act of her late majesty queen Elizabeth, previous to the eighth day of April one thousand eight hundred and three, to apply to the court in which such action shall be brought, during the sitting of such court, or to any judge of such court during

vacation, to stay proceedings in such action; and such court and such judge respectively are hereby required to stay such proceedings accordingly, until the said eighth day of *April* one thousand eight hundred and three; and all and every the provisions of the said last recited act relating to the making void any lease by reason of any non-residence, shall be, and the same are hereby suspended until the said eighth day of *April* one thousand eight hundred and three; any thing in the said act to the contrary notwithstanding.

The provisions of that act relating to making void leases for non-residence suspended.

43 GEORGE 3, CAP. 34.—*An act to continue, until the eighth day of July one thousand eight hundred and three, an act made in the forty-second year of the reign of his present majesty, intituled, an act to continue, until the eighth day of April one thousand eight hundred and three, an act passed in the last session of parliament, for staying proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and of taking of farms; and also to stay proceedings in actions under the act of the thirteenth year of queen Elizabeth, touching leases of benefices, and other ecclesiastical livings, with cure.*—See Title—“PLURALITIES.”

43 GEORGE 3, CAP. 84, SECS. 7 & 8.—*An act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England.*—See Title “RESIDENCE OF SPIRITUAL PERSONS, ENGLAND.”

57 GEORGE 3, CAP. 99.—*An act to consolidate and amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices; and for the support and maintenance of stipendiary curates in England.*—See Title—“CURATES, STIPENDIARY, ENGLAND,” vol. ii. p. 424.

4 & 5 WILLIAM 4, CAP. 22.—*An act to amend an act of the eleventh year of king George the second, respecting the apportionment of rents, annuities, and other periodical payments.*—Whereas by an act passed in the eleventh year of the reign of his majesty king George the second, intituled *an act for the more effectual securing the payment of rents and preventing frauds by tenants*, it was enacted, that where any tenant for life should happen to die before or on the day on which any rent was reserved or made payable upon any demise or lease of any lands, tenements, or hereditaments which determined on the death of such tenant for life, the executors or administrators of such tenant for life should and might, in an action on the case, recover of and from such under tenant or under tenants of such lands, tenements, or hereditaments, if such tenant for life die on the day on which the same was made payable the whole, or if before such day then a proportion of such rent according to the time such tenant for life lived of the last year or quarter of a year or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof respectively: and whereas doubts have been entertained whether the provisions of the said act apply to every case in which the interests of tenants determine on the death of the person by whom such interests have been created, and on the death of any life or lives for which such person was entitled to the lands demised, although every such case is within the mischief intended to have been remedied and prevented

11 G. 2, c. 19.

Rents reserved on leases determining on the death of the person making them (though not strictly tenant for life), or on the death of the tenant *pur autre vie*, to be considered as within the provisions of recited act.

All rents, annuities, and other payments coming due at fixed periods to be apportioned;

subject to all just deductions. Remedies for obtaining the apportioned parts.

by the said act; and it is therefore desirable that such doubts should be removed by a declaratory law: and whereas, by law, rents, annuities, and other payments due at fixed or stated periods are not apportionable (unless express provision be made for the purpose), from which it often happens that persons (and their representatives) whose income is wholly or principally derived from these sources by the determination thereof before the period of payment arrives are deprived of means to satisfy just demands, and other evils arise from such rents, annuities, and other payments not being apportionable, which evils require remedy: be it therefore enacted and declared by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that rents reserved and made payable on any demise or lease of lands, tenements, or hereditaments which have been and shall be made, and which leases or demises determined or shall determine on the death of the person making the same (although such person was not strictly tenant for life thereof), or on the death of the life or lives for which such person was entitled to such hereditaments, shall, so far as respects the rents reserved by such leases, and the recovery of a proportion thereof by the person granting the same, his or her executors or administrators (as the case may be), be considered as within the provisions of the said recited act.

II. And be it further enacted, that from and after the passing of this act all rents service reserved on any lease by a tenant in fee or for any life interest, or by any lease granted under any power, (and which leases shall have been granted after the passing of this act), and all rents charge and other rents, annuities, pensions, dividends, moduses, compositions, and all other payments of every description, in the united kingdom of *Great Britain* and *Ireland*, made payable or coming due at fixed periods under any instrument that shall be executed after the passing of this act, or (being a will or testamentary instrument) that shall come into operation after the passing of this act, shall be apportioned so and in such manner that on the death of any person interested in any such rents, annuities, pensions, dividends, moduses, compositions, or other payments as aforesaid, or in the estate, fund, office, or benefice from or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he or she, and his or her executors, administrators, or assigns, shall be entitled to a proportion of such rents, annuities, pensions, dividends, moduses, compositions, and other payments according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, moduses, compositions, and other payments being made; and that every such person, his or her executors, administrators, and assigns, shall have such and the same remedies at law and in equity for recovering such apportioned parts of the said rents, annuities, pensions, dividends, moduses, compositions, and other payments, when the entire portion of which such

apportioned parts shall form part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, moduses, compositions, and other payments if entitled thereto, but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and hereditaments comprised therein, shall not be resorted to for such apportioned parts specifically as aforesaid, but the entire rents of which such portions shall form a part shall be received and recovered by the person or persons who if this act had not passed would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this act in any action or suit at law or in equity.

III. Provided always, and be it enacted, that the provisions herein contained shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description.

Act not to
apply to cer-
tain cases.

6 WILLIAM 4, CAP. 20.—*An act for imposing certain restrictions on the renewal of leases by ecclesiastical persons.*—Whereas it is expedient that such provision as is hereinafter contained should be made respecting the granting of ecclesiastical leases: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the passing of this act no archbishop or bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, or prebendary, or other spiritual person, nor any master or guardian of any hospital, shall grant any new lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, by way of renewal of any lease which shall have been previously granted of the same for two or more lives, until one or more of the persons for whose lives such lease shall have been so made shall die, and then only for the surviving lives or life and for such new life or lives as, together with the life or lives of such survivor or survivors, shall make up the number of lives, not exceeding three in the whole, for which such lease shall have been so made as aforesaid; and that where any such lease shall have been granted for forty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same, until fourteen years of such lease shall have expired; and that where any such lease shall have been made as aforesaid for thirty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same, until ten years of such lease shall have expired; and where any such lease shall have been granted for twenty-one years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same or (in the case of archbishops or bishops) concurrently therewith, until seven years of such lease shall have

Restrictions
on ecclesias-
tical persons
granting
leases.

expired ; and that where any such lease shall have been granted for years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian shall grant any lease, by way of renewal of the same or otherwise, for any life or lives ; any law, statute, or custom to the contrary notwithstanding.

Recitals of lease to be taken as evidence of fact.

II. And be it further enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall hereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignitary, canonry, prebend, benefice, or hospital, such lease shall contain a recital or statement, in the case of a lease for lives, setting forth the names of the several persons named as cestuique vie in the then last preceding lease of the same premises, and stating which of such persons, if any, is or are then dead, or for whose life that of some other person has been exchanged by virtue of the proviso hereinafter contained, and in case of a lease for years setting forth for what term of years the last preceding lease of the same premises was granted, and how much of such term has then expired, and how much remains to come and unexpired, every such recital or statement shall, so far as relates to the validity of the lease so to be granted as aforesaid, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated.

Penalty on persons introducing recitals into lease, knowing the same to be false.

III. And be it further enacted, that if any person shall execute any such lease, or any counterpart thereof, knowing such recital or statement, or any part thereof, to be false, or shall wilfully introduce or cause to be introduced, or aid or assist in introducing, any such recital or statement into any such lease knowing the same or any part thereof to be false, or shall prepare or ingross, or cause to be prepared or ingrossed, any lease or counterpart of a lease containing any such false recital or statement as aforesaid, knowing the same or any part thereof to be false, every person so offending shall be deemed and taken to be guilty of a misdemeanor ; and every person so offending shall, in addition to any punishment to which he may be liable, forfeit and pay to any person suing for the same the full sum of five hundred pounds, or, at the option of such person, five years improved annual value of the hereditaments comprised in such lease.

Ecclesiastical persons may grant certain leases conformable to usual practice.

IV. Provided nevertheless, and be it enacted, that in cases where it shall be certified in manner hereinafter mentioned that for ten years now last past it hath been the usual practice (such practice having in the case of a corporation sole commenced prior to the time of the person for the time being representing such corporation) to renew such leases for forty, thirty, or twenty-one years respectively, at shorter periods than fourteen, ten, or seven years respectively, nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian from granting a renewed lease conformably to such usual practice ; provided that such usual practice shall be made to appear to the satisfaction of the archbishop of the province in the case of a lease granted by such

archbishop or by a bishop, and in the case of a lease granted by any other corporation or person to the satisfaction of such archbishop and also of the bishop having jurisdiction over such corporation or person, and shall before the granting of such lease be certified in writing under the hand of the archbishop in the one case, and of the archbishop and bishop in the other case: the certificate so signed by an archbishop only to be afterwards deposited in the registry of such archbishop, and the certificate so signed by an archbishop and also by a bishop to be afterwards deposited in the registry of such bishop, which certificate shall be conclusive evidence of the facts thereby certified.

V. Provided also, and be it enacted, that nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian from exchanging any life or lives in being, for which any lease shall have been granted as aforesaid, and accordingly granting any renewed lease with a view to effectuate such exchange of a life or lives; provided that the same shall be approved of (in the case of an archbishop) by his majesty in council, or (in the case of a bishop) by the archbishop of the province, or (in the case of any inferior corporation or person) by the archbishop of the province and bishop of the diocese; such approbation, when required to be given by his majesty in council, to be testified by the president of the council certifying on the renewed lease to be granted as aforesaid such approbation, and in all other cases to be testified by the person or persons whose approval is hereby required certifying on such renewed lease his or their approbation of the same.

Not to prevent ecclesiastical persons effecting exchanges under certain conditions.

VI. Provided also, and be it enacted, that nothing in this act contained shall prevent any grants or renewals of leases which may have been authorized by acts of parliament specially relating to the particular estates demised by such leases.

Not to prevent grants under acts of parliament;

VII. Provided also, and be it enacted, that nothing in this act contained shall prevent a lease from being granted, with a view to confirm any title or otherwise, for the life or lives of the same person or persons or for the lives or life of the survivors or survivor of them, or for the same term of years, and commencing at the same period, as the lease last granted for a life or lives or a term of years respectively.

nor for same term as preceding leases

VIII. Provided also, and be it enacted, that no lease not authorized by the laws and statutes now in force shall be rendered valid by any thing in this act contained.

Act not to render valid illegal leases.

IX. And be it enacted, that if any lease contrary to this act shall have been granted since the first day of *March* in the year one thousand eight hundred and thirty-six, or shall be granted after the passing of this act, every such lease shall be void to all intents and purposes whatsoever: provided always, that nothing in this act contained shall be deemed or taken to affect any lease granted or to be granted pursuant to any covenant or agreement entered into previously to the first day of *March* one thousand eight hundred and thirty-six.

Leases contrary to this act void.

X. And be it further enacted, that nothing in this act contained shall be deemed or taken to extend to *Ireland*.

Act not to extend to Ireland.

Act may be altered this session.

XI. And be it further enacted, that this act may be altered or amended by any act during this present session of parliament.

6 W. 4, c. 20. 6 & 7 WILLIAM 4, CAP. 64.—*An act to explain and amend an act passed in this present session of parliament for imposing certain restrictions on the renewal of leases by ecclesiastical persons.*—Whereas by an act passed in this present session of parliament, intituled *an act for imposing certain restrictions on the renewal of leases by ecclesiastical persons*, it is amongst other things enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, should thereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease should contain such recital or statement as therein mentioned, every such recital or statement should, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated; and it is thereby further enacted, that if any lease contrary to the said act should have been granted since the first day of *March* in this present year, or should be granted after the passing of the said act, every such lease should be void to all intents and purposes: and whereas doubts have been entertained whether leases granted since the said first day of *March* in this year, or to be hereafter granted, by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, and which do not contain such recital or statement as aforesaid, are not made absolutely void by the aforesaid enactment; and it is expedient that all such doubts should be removed: be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no lease granted or to be hereafter granted by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall be deemed or taken to be void under the provisions of the said act by reason only of its not containing such recital or statement as therein mentioned: provided always, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall hereafter grant any renewed lease of any manor, messuage, land, tithes, or hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, and such lease shall contain such recital or statement as in the said act is mentioned, every such recital or statement shall, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited.

Leases granted by spiritual persons under the provisions of the recited act not void by reason of not containing such recital as is mentioned in that act.

5 & 6 VICTORIA, SESS. 2, CAP. 27.—*An act for better enabling incumbents of ecclesiastical benefices to demise the lands belonging to their benefices on farming leases.*—Whereas it would be advantageous to ecclesiastical benefices if the incumbents thereof were empowered, with such consent and under such restrictions as are hereinafter expressed, to demise the lands of or belonging to the same for a

term of years certain, for farming purposes: may it therefore please your majesty that it may be enacted; and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the incumbent for the time being of any benefice, from time to time after the passing of this act, by deed under his hand and seal, with the consent of the patron of such benefice, and of the bishop of the diocese wherein the same is locally situated, and where the lands proposed or intended to be leased are of copyhold or customary tenure with the consent also of the lord for the time being of the manor of which the same are holden, in any case where the lease proposed to be granted could not according to the custom of the manor be effectually made without the licence of the lord, such respective consents to be testified by the persons whose consents are hereby required respectively being parties to and signing and sealing such deeds before the execution thereof by such incumbent, to lease any part of the glebe lands or other lands of or belonging to such benefice, either with or without any farm houses, cottages, barns, or other agricultural buildings or conveniences, parcel of or belonging to such benefice, to any person whomsoever, for any term of years not exceeding fourteen years, to take effect in possession, and not in reversion or by way of future interest, so that there be reserved on every such lease, payable to the incumbent for the time being of such benefice quarterly in every year, during the continuance of the term thereby granted, the best and most improved yearly rent that can be reasonably gotten for the same, without taking any fine, foregift, premium, or other consideration for granting such lease, and so that no such lessee be made dispunishable for waste by any clause or words to be contained in such lease, and so that the lessee do thereby covenant with the incumbent granting such lease, and his successors, for due payment of the rent thereby to be reserved, and of all taxes, charges, rates, assessments, and impositions whatsoever which shall be payable in respect of the premises thereby leased, and do further covenant with such incumbent and his successors, that he will not assign or underlet the hereditaments comprised in such lease, or any part thereof, for all or any part of the term thereby granted, without the consent of the bishop of the diocese for the time being and the patron and incumbent for the time being of the said benefice, to be testified by their respectively being parties to and sealing and delivering the deed or instrument by which any assignment or under-lease of the same premises, or any part thereof, may be effected; and that he will in all respects cultivate and manage the lands and hereditaments thereby leased according to the most improved system of husbandry in that part of the country where such lands and hereditaments are locally situated, so far as such system may not be inconsistent with any express stipulation to be contained in such lease; and that he will keep, and at the end of the term leave, all the lands comprised in such lease, together with the gates, drains, and fences of every description, and other fixtures and things thereupon or belonging thereto, in good and substantial repair and condition; and that he will at all

Incumbents of benefices empowered with consent of bishop and patron, to lease lands belonging to their benefices for fourteen years, under certain restrictions.

Saving for
covenants
respecting
cultivation,
improve-
ments, &c.

times during the continuance of the term keep the buildings comprised in such lease, or to be erected during the term upon the lands thereby demised, or on any part thereof, insured against damage by fire, in the joint names of the lessee, his executors or administrators, and of the incumbent of the benefice for the time being, in three fourths at the least of the value thereof; and that he will lay out the money to be received by virtue of any such insurance, and all such other sums of money as shall be necessary, in substantially rebuilding, repairing, and reinstating, under the direction of a surveyor to be for that purpose appointed by the incumbent of such benefice for the time being and such lessee, by some writing under their respective hands, such messuages or buildings as shall be destroyed or damaged by fire; and so that there be inserted in every such lease a reservation for the use of such incumbent and his successors of all timber trees and trees likely to become timber, and of all saplings and underwoods, and of all mines and minerals, except as is hereinafter provided; and also a power of re-entry, in case the rent thereby to be reserved shall be unpaid for the space of twenty-one days next after the same shall become due, or in case the lessee shall be convicted of felony, or shall become a bankrupt, or shall take the benefit of any act or acts of parliament now in force or hereafter to be passed for the relief of insolvent debtors, or shall compound his debts, or assign over his estate and effects for payment thereof, or in case any execution shall issue against him or his effects, or in case such lessee shall not from time to time duly observe and perform all the covenants and agreements on his part in such lease to be contained; and so that the lessee in each such lease do execute the same or a counterpart thereof: provided always, that any stipulation, covenant, condition, or agreement in any such lease to be contained, on the part of the lessee, for the adoption and use of any particular mode or system of cultivation, or for the drainage or subdividing, or embanking or warping (in those places where the system of improvement of land called warping is or may be practised), of all or any of the lands comprised in such lease, or for the erection of any new or additional farm-houses, barns, or out-houses, or other farm buildings, which the condition or local situation of the lands to be comprised in such lease may require or render expedient, or for putting in repair any houses, edifices, or buildings to be comprised in any such lease, or for making any substantial improvements on the premises, or for the reservation or payment of any additional rent or rents, or penalty on breach of any of the covenants or agreements contained in any such lease, shall not be deemed or construed to be a fine, foregift, premium, or consideration for the granting of such lease within the meaning of this act: provided also, that nothing herein contained shall be construed to preclude the lessor in any such lease from covenanting that the lessee shall be entitled to have or take from off the demised premises brick earth, stone, lime, or other materials for the erection or repair of any buildings, or for the construction or repair of drains, or for any other necessary improvements, and sufficient rough timber, to be assigned by the incumbent for the time being, or his agent duly authorized, for any of the purposes aforesaid, and for the making or repair of gates

and fences: provided also, that the custom of the country as to outgoing tenants shall apply to each lease to be granted under this act, except so far as the lease shall contain any express stipulation to the contrary: provided also, that the term to be granted by any such lease as aforesaid may be twenty years in any case where the lessee shall covenant thereby to adopt and use any mode or system of cultivation more expensive than the usual course, or to drain or subdivide, or embank and warp, at his expense, any part of the demised premises, or to erect, at his own expense, on the said premises, any buildings, or to repair in a more extensive manner and at a greater expense than is usually required of lessees of farms any buildings on the demised premises, or in any other manner to improve, at his expense, the demised premises or any part thereof.

In certain cases leases may be granted for twenty years

II. And be it enacted, that the authority given by this act shall not render valid any lease to be granted in the manner hereinbefore mentioned, unless the parsonage house or other the house of residence of or belonging to the benefice, and all offices, outbuildings, yards, gardens, orchards, and plantations to such parsonage house or other house of residence adjoining and appurtenant, and which may be necessary or convenient for actual occupation with such parsonage house or other house of residence, and also so much glebe land or other land of or belonging to the benefice, and situated the most conveniently for actual occupation by the incumbent, as, together with the site of such parsonage house or other house of residence, offices, and outbuildings, and with such yards, gardens, orchards, and plantations as aforesaid, shall amount to ten acres at least, if there shall be ten or more acres of such land situated within five miles from the parsonage or other the house of residence, or if there shall be less than ten acres so situated then the whole of such land, shall be reserved out of or not be comprised in such lease, and not be comprised in any subsisting lease for the time being which shall have been previously granted under the authority of this act: provided always, that in any case where the lands comprised in any lease granted under the authority of this act shall be situate five miles or upwards from the parsonage house or other the house of residence, or (in case there shall be no parsonage house or other house of residence) from the church or chapel of the benefice to which such lands shall belong, the provision herein contained for the reservation of a stipulated number of acres of the glebe land or other land of or belonging to the benefice shall not be applicable.

Parsonage house and offices and ten acres of glebe situate most conveniently for occupation not to be leased, &c.

Proviso.

III. And be it enacted, that whenever any lease is intended to be granted under the authority of this act a competent land surveyor shall be appointed by the bishop of the diocese and the patron and incumbent of the benefice, by some writing under their respective hands; and such surveyor shall make a map or plan under an actual survey of the lands proposed or intended to be leased, and of the other lands of or belonging to the benefice, or of such part or parts of the said other lands as will sufficiently show to the bishop of the diocese and the patron of the benefice the relative positions or local situations and quantities of the lands proposed or intended to be leased, and of the lands (if any) intended to be reserved, and as will

Before any lease is granted a surveyor to be appointed who is to make maps, certificates, valuation, and reports respecting such intended lease,

An existing
map of the
lands may be
used.

enable them to form an accurate judgment of the situation and convenience for actual occupation of the lands intended to be reserved; and such surveyor shall certify that the lands intended to be leased, and such buildings and other hereditaments (if any) as are intended to be leased therewith, are proper to be leased to a tenant under the provisions of this act, and (in any case where the provision hereinbefore contained respecting the reservation of a stipulated number of acres may be applicable) that the lands which are intended to remain unlet are such part of the glebe land or other land of or belonging to the benefice as is situated the most conveniently for actual occupation by the incumbent thereof; and such surveyor shall also make a valuation on actual survey of the lands and hereditaments proposed or intended to be leased, and shall report what is the best yearly rent which ought to be reserved upon a lease of such lands and hereditaments under the circumstances under which such lease is proposed or intended to be granted, and shall state the course of husbandry or management of such lands and hereditaments which ought in the opinion of such surveyor to be adopted by the tenant thereof; and in any case where it is proposed that the lease shall contain special covenants on the part of the lessee for the drainage or sub-dividing, or embanking or warping, of all or any of the lands to be comprised in the lease, or for the erection of any new or additional farm-houses, barns, or out-houses, or other farm buildings, or for putting in repair any houses, edifices, or buildings to be comprised in the lease, or for making any substantial improvement in the premises, such surveyor shall certify that in his opinion the covenants for those purposes are proper covenants to be entered into by the lessee under the circumstances of the case, and he shall state the amount by which the yearly rent to be reserved by the proposed lease ought in his judgment to be diminished in respect or on account of the lessee entering into such covenants; and in any case where it is proposed that the lessee shall be entitled to have or take from off the demised premises brick earth, stones, lime, or other materials, or rough timber, for any of the purposes hereinbefore mentioned, he shall also certify that in his opinion covenants on the part of the lessor for those purposes are proper to be entered into, and that he has taken the matter into his consideration in estimating the amount of rent to be reserved by the proposed lease; and such surveyor shall in all cases also report upon and state such other matters or things (if any) connected with such intended lease, or the lands and hereditaments proposed or intended to be therein comprised, as he shall, by such bishop, patron, and incumbent, or any of them, be directed to report upon; and the map or plan, certificate, valuation, and report of such surveyor shall be respectively signed by such surveyor, and verified by his declaration to be made before any justice of the peace, and shall, immediately upon the completion thereof, respectively be delivered to the bishop of the diocese: provided always, that in all cases in which there shall be in the possession of the bishop of the diocese, or of the patron or incumbent of any benefice, or of the parish officers of the parish in which such benefice may be comprised, any map or plan made under an actual survey of the parish, or of such part thereof as shall include

the lands proposed or intended to be demised, a copy of or an extract from such map or plan may be substituted for the map or plan hereinbefore directed to be made by any such surveyor as aforesaid.

IV. And be it enacted, that the receipt in writing of the incumbent by whom any lease shall be granted under the authority of this act, acknowledging that he has received the counterpart, or an attested copy in all cases where there shall be only one part, of such lease, and signed by such incumbent, and endorsed on the lease, shall be conclusive evidence that the counterpart or lease (as the case may be) has been duly executed by the lessee, and also in all cases where there shall be only one part of such lease that the attested copy is a true and faithful transcript of the original lease; and the execution by the bishop and patron, whose consents are hereby made requisite, of any lease to be granted under the authority of this act, shall be conclusive evidence that the lease does not comprise any lands which ought not to be leased under the provisions of this act, and that a proper portion of the glebe land remains unleased, and that the rent reserved by such lease is the best and most improved rent that could be reasonably gotten for the lands and hereditaments comprised therein at the time of granting such lease, and that all the covenants contained in such lease are proper covenants.

Lessor's receipt for counterpart or attested copy of lease to be evidence of its execution;

and execution by bishop and patron to be evidence that the lands are proper to be leased, &c.

V. And be it enacted, that no surrender of any lease which shall have been made under the authority of this act shall be valid to any purpose whatsoever, unless the bishop of the diocese and the patron and incumbent of the benefice to which the lands or hereditaments comprised in such lease shall belong shall respectively be made parties to and execute the deed or instrument by which such surrender shall be made; and every such surrender shall have operation from the time only when such deed or instrument as aforesaid shall have been executed by all the persons whose execution thereof is hereinbefore required.

Surrenders of leases.

VI. And whereas there are within divers dioceses certain exempt jurisdictions called peculiars, belonging to the archbishops and bishops of other dioceses, and it is expedient that all the powers, authorities, and duties by this act given to or imposed upon the bishop of the diocese should, as to such peculiars, be given to and imposed upon the archbishop or bishop to whom the same respectively belong; be it therefore enacted, that all the powers, authorities, and duties by this act given to or imposed upon the bishop of any diocese shall, with respect to the several peculiars locally situated within such diocese, be exercised and performed by the archbishop or bishop to whom such peculiars shall respectively belong, and not by the bishop within whose diocese such peculiar shall be locally situated, but that with respect to all peculiars belonging to any other person than archbishops or bishops such powers, authorities and duties shall be exercised and performed by the bishop of the diocese within which such peculiars shall be locally situated.

In cases of peculiars belonging to bishops, such bishops to exercise, within their peculiars, the powers given by this act.

VII. And be it enacted, that whenever the consent or concurrence of the patron of any benefice, or of the lord for the time being of any manor, is hereby required, and the patron of such benefice, or the lord for the time being of such manor, (as the case may be), shall happen to be a minor, idiot, lunatic, or feme covert, or beyond seas,

Provision where patron or lord of manor is under incapacity or beyond seas.

it shall be lawful for the guardian, committee, husband, or attorney (as the case may be) of such patron or lord (but in the case of a feme covert not being a minor, idiot, or lunatic, or beyond seas, with her consent in writing), to execute the instrument by which such consent or concurrence is to be testified, in testimony of the consent or concurrence of such patron or lord; and such execution shall, for the purposes of this act, be deemed and taken to be an execution by the patron of the benefice or by the lord of the manor (as the case may be.)

Provision
where the
patronage of
any benefice
is in the
crown.

VIII. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice is hereby required, and the patronage of such benefice shall be in the crown, the consent or concurrence of the crown shall be testified in the manner hereinafter mentioned; (that is to say), if such benefice shall be above the yearly value of twenty pounds in the king's books, the instrument by which such consent or concurrence shall be testified shall be executed by the lord high treasurer or first lord commissioner of the treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the king's books, such instrument shall be executed by the lord high chancellor, or lord keeper or lords commissioners of the great seal, for the time being; and if such benefice shall be within the patronage of the crown in right of the duchy of *Lancaster*, such instrument shall be executed by the chancellor of the said duchy for the time being; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

Provision
where the
patronage is
attached to
the duchy of
Cornwall.

IX. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice is hereby required, and the right of patronage of such benefice shall be part of the possessions of the duchy of *Cornwall*, the consent or concurrence of the patron of such benefice to the exercise of such power shall be testified in the manner hereinafter mentioned; (that is to say), the instrument by which such consent or concurrence is to be testified shall, whenever there shall be a duke of *Cornwall*, whether he be of full age or otherwise, be under his great or privy seal, or if there be no duke of *Cornwall*, and such benefice shall be in the patronage of the crown in right of the duchy of *Cornwall*, such instrument shall be executed by the person or persons who is or are authorized to testify the consent or concurrence of the crown; and such instrument, being so sealed or executed, shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

Corporate
bodies may
act by their
common seal

X. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice or of the lord of any manor is hereby required, and the patronage of such benefice, or (as the case may be) the lordship of such manor, shall belong to any dean and chapter, or collegiate or other corporate body having a common seal, the consent or concurrence of such dean and chapter, or collegiate or other corporate body, shall be testified by the sealing of the instrument by which such consent or concurrence is to be testified with the common seal of such dean and chapter, collegiate or other corporate body.

XI. And be it enacted, that the person or persons (if not more than two), or the majority of the persons (if more than two), or the corporation, who or which would for the time being be entitled to the turn or right of presentation to any benefice if the same were then vacant, shall, for the purposes of this act, be considered to be the patron thereof: provided nevertheless, that in the case of the patronage being exercised alternately by different patrons, the person or persons (if not more than two), or the majority of the persons (if more than two), or the corporation, who or which would for the time being be entitled to the second turn or right of presentation to any benefice, if the same were then vacant, shall, for the purposes of this act, jointly with the person or persons or corporation entitled to the first turn or right of presentation, be considered to be the patron thereof.

Person who for the time being would be entitled to present shall be considered the patron.

XII. And be it enacted, that in all cases in which any person shall sustain any more than one of the aforesaid characters of bishop of the diocese, patron, lord of the manor, and incumbent, in respect of any benefice to which the provisions of this act extend, every such person shall or may at any time act in both or all of the characters which he shall so sustain as aforesaid, and execute and do all and every or any of such deeds and acts as are hereby authorized to be executed and done, as effectually as different persons, each sustaining one of those characters, could execute and do the same.

Provision where any person shall sustain more than one of the characters of bishop, patron, and incumbent.

XIII. And be it enacted, that whenever any lands or hereditaments proposed to be leased under the provisions of this act are or shall be vested in any trustee or trustees, in trust for or for the benefit of any incumbent hereby empowered to grant leases as aforesaid, in such a manner as that the net income or three-fourth parts at the least of the net income of such lands and hereditaments is, are, or shall be payable for the exclusive benefit of such incumbent, all the powers of this act which, in case such lands and hereditaments had been legally vested in such incumbent for the sole and exclusive benefit of such incumbent, might have been exercised by such incumbent in relation to or affecting the same lands and hereditaments, shall or may be exercised by such incumbent in the same or the like manner as the same might have been exercised by such incumbent in case the same lands and hereditaments were legally vested in such incumbent as aforesaid; but in order to give legal effect to any lease to be executed in relation to any such lands and hereditaments, in pursuance of this act, the trustee or trustees of the premises intended to be affected thereby shall be made a party or parties to such lease (in addition to the other parties whose concurrence is hereby declared to be requisite to any such lease), and shall join in the demise intended to be thereby made; and the trustee or trustees of any such lands or hereditaments is and are hereby directed and required at all times to execute any lease to which he or they may be made a party or parties, with a view to give legal effect to any such lease as aforesaid, as soon as the same may be tendered to him or them for execution, after the same shall have been duly executed by the incumbent beneficially entitled to such premises, and the bishop and patron, whose consents are hereby declared to be requisite to

The power of the act to extend to lands, &c. held in trust for corporations.

the validity of any lease granted by such incumbent; and the fact that any such lease is executed by the said other parties shall be a sufficient authority for the execution thereof by the trustee or trustees of the same premises, and it shall not at any time afterwards be necessary for such trustee or trustees, or for any other person or persons, to prove that such deed was executed by such other parties, or any of them, prior to the execution thereof by such trustee or trustees; provided that no trustee shall by virtue of or under this provision be compellable to execute any lease whereby he shall render himself in any way liable, further than by a covenant for quiet enjoyment by any lessee against the acts of the trustee executing such deed.

Incumbent's part of all instruments, and all maps, &c. shall be deposited in the bishop's registry, except as to peculiars belonging to bishops.

Deposited documents to be produced to incumbent or patron on application;

and office copies given, which are to be admitted as evidence of such instruments in all courts.

Charges which the registrar is entitled to make.

XIV. And be it enacted, that the part of every lease granted under this act which shall belong to any incumbent, or, in case there shall not be more than one part of any such lease, an attested copy thereof, and every surrender to be made under this act, together with the writing by which a surveyor shall have been appointed as aforesaid, and the map or plan or copy of or extract from a map or plan, (as the case may be), certificate, valuation, and report hereinbefore directed to be made before the granting of such lease, shall, within six calendar months next after the date of such lease, be deposited in the office of one of the registrars of the diocese wherein such benefice shall be locally situated, to be perpetually kept and preserved therein, except where the benefice shall be under the peculiar jurisdiction of any archbishop or bishop, in which case the several documents before mentioned shall be deposited in the office of the registrar of the peculiar jurisdiction to which such benefice shall be subject; and such registrars respectively, or their respective deputies, shall, upon any such deposit being so made, sign and give unto the incumbent a certificate of such deposit; and such lease or attested copy and other documents so to be deposited shall be produced, at all proper and usual hours, at such registry, to the incumbent of the benefice for the time being, or to the patron of such benefice for the time being, or to any person on their or either of their behalf, applying to inspect the same; and an office copy thereof, respectively certified under the hand of the registrar or his deputy, (and which office copy, so certified, the registrar or his deputy shall in all cases, upon application in that behalf, give to the incumbent for the time being of such benefice), shall in any action against the lessee, and in all other cases, be admitted and allowed in all courts whatsoever as legal evidence of the contents of such lease, or of any such other document, and of the due execution of the counterpart of such lease by the lessee if there shall be any counterpart, and of the due execution of the lease and of every such other document by the parties who on the face of such office copy shall appear to have executed the same; and every such registrar shall be entitled to the sum of five shillings, and no more, for so depositing as aforesaid the documents hereinbefore directed to be deposited, and for certifying the deposit thereof, and the sum of one shilling, and no more, for each search and inspection, and the sum of sixpence, and no more, over and besides the stamp duty (if any), for each folio of seventy-two words of each office copy so certified as aforesaid.

XV. And be it enacted, that in the construction and for the purposes of this act the several following words shall have the meanings hereinafter assigned to them respectively (unless there shall be something in the subject or context repugnant to such construction) (that is to say),

Interpretation of act.

The word "Person" shall be construed to include the queen's majesty, and any corporation, aggregate or sole, as well as private individual:

The word "Lands" shall be construed to include lands of any tenure:

The word "Benefice" shall be construed to comprehend every rectory, vicarage, perpetual curacy, donative, endowed public chapel, parochial chapelry, and district chapelry, the incumbent of which in right thereof shall be a corporation sole:

And every word importing the singular number shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things:

And every word importing the masculine gender only shall extend and be applied to a female as well as a male.

XVI. And be it enacted, that this act shall extend only to that part of the united kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

To what parts only the act shall extend.

XVII. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be amended, &c. this session.

5 & 6 VICTORIA, CAP. 108.—*An act for enabling ecclesiastical corporations, aggregate and sole, to grant leases for long terms of years.*—See Title—"ECCLESIASTICAL CORPORATIONS," vol. ii. p. 643.

8 & 9 VICTORIA, CAP. 124.—*An act to facilitate the granting of certain leases.*—Whereas it is expedient to facilitate the leasing of lands and tenements: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that whenever any party to any deed made according to the forms set forth in the first schedule to this act or to any other deed which shall be expressed to be made in pursuance of this act, shall employ in such deed respectively any of the forms of words contained in column I. of the second schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such party had inserted in such deed the form of words contained in column II. of the same schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

Where the words of column I. of the second schedule employed, the deed to have the same effect as if words of column II. were inserted.

II. That every such deed, unless any exception be specially made therein, shall be held and construed to include all outhouses, buildings, barns, stables, yards, gardens, cellars, ancient and other lights, paths, passages, ways, waters, watercourses, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, to the lands and tenements therein comprised belonging or in anywise appertaining.

Deed to include all houses, &c.

Remuneration for deed under the act not to be by length only.

III. That in taxing any bill for preparing and executing any deed under this act it shall be lawful for the taxing officer and he is hereby required, in estimating the proper sum to be charged for such transaction, to consider, not the length of such deed, but only the skill and labour employed, and responsibility incurred, in the preparation thereof.

Deed failing to take effect by this act to be valid.

IV. That any deed or part of a deed which shall fail to take effect by virtue of this act shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this act had not been made.

Construction clause.

V. That in the construction and for the purposes of this act, and the schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "Lands" shall extend to all tenements and hereditaments of freehold tenure, and to such customary lands as will pass by deed, or deed and surrender, and not by surrender alone, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "Party" shall mean and include any body politic or corporate or collegiate as well as an individual.

Schedules, &c. part of act.

VI. That the schedules, and the directions and forms therein contained, shall be deemed and taken to be parts of this act.

Commencement of act.

VII. That this act shall commence and take effect from and after the first day of *October*.

Extent of act

VIII. That this act shall not extend to *Scotland*.

Schedules to which this Act refers.

THE FIRST SCHEDULE.

This indenture made the _____ day of _____ one thousand eight hundred and forty- [or other year], in pursuance of an act to facilitate the granting of certain leases, between [here insert the names of the parties, and recitals, if any] witnesseth, that the said [lessor] or [lessors] doth or do demise unto the said [lessee] or [lessees], his [or their] executors, administrators, and assigns, all, &c. [parcels], from the _____ day of _____ for the term of _____ thence ensuing, yielding therefor during the said term the rent of [state the rent and mode of payment.]

In witness whereof the said parties hereto have hereunto set their hands and seals.

THE SECOND SCHEDULE.—*Directions as to the Forms in this Schedule.*

1. Parties who use any of the forms in the first column of this schedule may substitute for the words "Lessee" or "Lessor" any name or names, and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.
3. Such parties may fill up the blank spaces left in the forms 4. and 5. in the first column of this schedule so employed by them, with any words or figures, and the words or figures so introduced shall be taken to be inserted in the corresponding blank spaces left in the forms embodied.
4. Such parties may introduce into or annex to any of the forms in the first column any express exceptions from or express qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.
5. Where the premises demised shall be of freehold tenure the covenants 1. to 10. shall be taken to be made with and the proviso 11. to apply to the heirs and assigns of the lessor, and where the premises demised shall be of leasehold tenure the covenants and proviso shall be taken to be made with and apply to the lessor, his executors, administrators, and assigns.

COLUMN I.	COLUMN II.
1. That the said [<i>lessee</i>] covenants with the said [<i>lessor</i>] to pay rent.	1. And the said lessee doth hereby, for himself, his heirs, executors, administrators, and assigns, covenant with the said lessor, that he the said lessee, his executors, administrators, and assigns, will during the said term pay unto the said lessor the rent hereby reserved, in manner hereinbefore mentioned, without any deduction whatsoever.
2. and to pay taxes ;	2. And also will pay all taxes, rates, duties, and assessments whatsoever, whether parochial, parliamentary, or otherwise, now charged or hereafter to be charged upon the said demised premises, or upon the said lessor, on account thereof (excepting land tax, and excepting, in <i>Ireland</i> , tithe rent-charge and such portion of the poor rate as the lessor is or may be liable to pay, and excepting also all taxes, rates, duties, and assessments whatsoever, or any portion thereof, which the lessee is or may be by law exempted from.)
3. and to repair ;	3. And also will during the said term well and sufficiently repair, maintain, pave, empty, cleanse, amend, and keep the said demised premises, with the appurtenances, in good and substantial repair, together with all chimney pieces, windows, doors, fastenings, water closets, cisterns, partitions, fixed presses, shelves, pipes, pumps, pales, rails, locks, and keys, and all other fixtures and things which at any time during the said term shall be erected and made, when, where, and so often as need shall be.

COLUMN I.

4. and to paint outside every year ;

5. and to paint and paper inside every year ;

6. and to insure from fire in the joint names of the said [*lessor*] and the said [*lessee*] ;

to show receipts ;

and to rebuild in case of fire.

7. And that the said [*lessor*] may enter and view state of repair, and that the said [*lessee*] will repair according to notice.

8. That the said [*lessee*] will not use premises as a shop.

COLUMN. II.

4. And also that the said lessee, his executors, administrators, and assigns, will in every year in the said term paint all the outside wood-work and iron-work belonging to the said premises, with two coats of proper oil colours, in a workmanlike manner.

5. And also that the said [*lessee*], his executors, administrators, and assigns, will in every year paint the inside wood, iron, and other works now or usually painted with two coats of proper oil colours in a workmanlike manner ; and also re-paper with paper of a quality as at present, such parts of the premises as are now papered ; and also wash, stop, whiten, or colour such parts of the said premises as are now plastered.

6. And also that the said lessee, his executors, administrators, and assigns, will forthwith insure the said premises hereby demised to the full value thereof, in some respectable insurance office, in the joint names of the said lessor, his executors, administrators, and assigns, and the said lessee, his executors, administrators, or assigns, and keep the same so insured during the said term ; and will, upon the request of the said lessor, or his agent, show the receipt for the last premium paid for such insurance for every current year ; and as often as the said premises hereby demised shall be burnt down or damaged by fire, all and every the sums or sum of money which shall be recovered or received by the said [*lessee*], his executors, administrators, or assigns, for or in respect of such insurance, shall be laid out and expended by him in building or repairing the said demised premises, or such parts thereof as shall be burnt down or damaged by fire as aforesaid.

7. And it is hereby agreed, that it shall be lawful for the said lessor, and his agents, at all seasonable times during the said term, to enter the said demised premises to take a schedule of the fixtures and things made and erected thereupon, and to examine the condition of the said premises ; and further, that all wants of reparation which upon such views shall be found, and for the amendment of which notice in writing shall be left at the premises, the said lessee, his executors, administrators, and assigns, will within three calendar months next after every such notice, well and sufficiently repair and make good accordingly.

8. And also that the said lessee, his executors, administrators, and assigns, will not convert, use, or occupy the said premises or any part thereof into or as a shop, warehouse, or other place for carrying on any trade or business whatsoever, or suffer the said premises to be used for any such purpose, or otherwise than as a private dwelling house, without the consent in writing of the said lessor.

COLUMN I.

9. And will not assign without leave.

10. And that he will leave premises in good repair.

11. Proviso for re-entry by the said lessor on non-payment of rent or non-performance of covenants.

12. The said [*lessor*] covenants with the said [*lessee*] for quiet enjoyment.

COLUMN II.

9. And also that the said [*lessee*] shall not nor will during the said term assign, transfer, or set over, or otherwise by any act or deed procure the said premises or any of them to be assigned, transferred, or set over, unto any person or persons whomsoever, without the consent in writing of the said [*lessor*], his executors, administrators, or assigns, first had and obtained.

10. And further, that the said [*lessee*] will, at the expiration or other sooner determination of the said term, peaceably surrender and yield up unto the said lessor the said premises hereby demised, with the appurtenances, together with all buildings, erections, and fixtures, now or hereafter to be built or erected thereon, in good and substantial repair and condition in all respects, reasonable wear and tear, and damage by fire, only excepted.

11. Provided always, and it is expressly agreed, that if the rent hereby reserved, or any part thereof, shall be unpaid for fifteen days after any of the days on which the same ought to have been paid (although no formal demand shall have been made thereof), or in case of the breach or nonperformance of any of the covenants and agreements herein contained on the part of the said lessee, his executors, administrators, and assigns, then and in either of such cases it shall be lawful for the said lessor, at any time thereafter, into and upon the said demised premises, or any part thereof in the name of the whole, to re-enter, and the same to have again, re-possess, and enjoy as of his or their former estate, any thing hereinafter contained to the contrary notwithstanding.

12. And the lessor doth hereby, for himself, his heirs, executors, administrators, and assigns, covenant with the said lessee, his executors, administrators, and assigns, that he and they, paying the rent hereby reserved, and performing the covenants hereinbefore on his and their part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted, without any interruption or disturbance from the said lessor, his executors, administrators, or assigns, or any other person or persons lawfully claiming by, from, or under him, them, or any of them.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

LIMITATION OF ACTIONS.

3 & 4 WILLIAM 4, CAP. 27, SECS. 29—34.—*An act for the limitation of actions and suits relating to real property, and for simplifying the remedies for trying the rights thereto.*

No lands or rents to be recovered by ecclesiastical or eleemosynary corporations sole but within two incumbencies and six years, or sixty years.

XXIX. Provided always, and be it further enacted, that it shall be lawful for any archbishop, bishop, dean, prebendary, parson, vicar, master of hospital, or other spiritual or eleemosynary corporation sole, to make an entry or distress or to bring an action or suit to recover any land or rent within such period as hereinafter is mentioned next after the time at which the right of such corporation sole, or of his predecessor, to make such entry or distress or bring such action or suit shall first have accrued; (that is to say), the period during which two persons in succession shall have held the office or benefice in respect whereof such land or rent shall be claimed, and six years after a third person shall have been appointed thereto, if the times of such two incumbencies and such term of six years taken together shall amount to the full period of sixty years; and if such times taken together shall not amount to the full period of sixty years, then during such further number of years in addition to such six years as will with the time of the holding of such two persons and such six years make up the full period of sixty years; and after the said thirty-first day of *December* one thousand eight hundred and thirty-three no such entry, distress, action, or suit shall be made or brought at any time beyond the determination of such period. [For SECS. 30—34, See Title—"ADVOWSONS," vol. i. p. 108.]

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES, ENGLAND.

9 HENRY 3, CAP. 6. MAGNA CHARTA.—*Heirs shall be married without disparagement.*—Heirs shall be married without disparagement. Co. Lit. 80.
2 Inst. 15.
Enforced by 20 H. 3, c. 6,

9 HENRY 3, CAP. 7.—*A widow shall have her marriage, inheritance, and quarentine. The king's widow, &c.*—A widow, after the death of her husband, incontinent, and without any difficulty, shall have her marriage, and her inheritance, and shall give nothing for her dower, her marriage, or her inheritance, which her husband and she held the day of the death of her husband, and she shall tarry in the chief house of her husband by forty days after the death of her husband, within which days her dower shall be assigned her (if it were not assigned her before) or that the house be a castle; and if she depart from the castle, then a competent house shall be forthwith provided for her, in the which she may honestly dwell, until her dower be to her assigned, as it is aforesaid; and she shall have in the mean time her reasonable estovers of the common; and for her dower shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she were endowed of less at the church door. No widow shall be distrained to marry herself while she chooses to live single: nevertheless she shall find surety, that she shall not marry without our licence and assent (if she hold of us) nor without the assent of the lord, if she hold of another. Hobart 153.
Dyer, f. 76.
Plow. 32.
Bro. Dower, 101.
Regist. fol. 175.
Co. Lit. 32. b.
2 Inst. 16.
19 H. 6, f. 14.
See 17 Ed. 2, c. 4, for the oath of widows who hold in capite, not to marry without the king's licence.
Fitz. Dower, 194, 196.
Enforced and amended by

20 H. 3, c. 1, which gives damages to the widows who are deforced of their dowers.

20 HENRY, 3. PROVISIONES DE MERTON. *It was provided in the court of our lord the king, holden at Merton on Wednesday the morrow after the feast of Saint Vincent, the twentieth year of the reign of king Henry the son of king John, before the archbishop of Canterbury, and other his bishops and suffragans, and before the greater part of the earls and barons of England, there being assembled for the coronation of the said king, and Eleanor the queen about which they were all called, where it was treated for the commonwealth of the realm upon the articles under-written, thus it was provided and granted, as well of the foresaid archbishops, bishops, earls, and barons, as of the king himself and others.*

20 HENRY 3, CAP. 6.—*The penalties for ravishment of a ward, forfeiture of marriage, or disparagement of a ward.*—Of concerning heirs who are taken away by force, or detained by their parents, or by others, it is thus provided, that whatsoever layman be convict thereof, that he hath by such means married any child, he shall yield to the loser the value of the marriage; and for the offence his body shall be taken and imprisoned until he hath recompensed the loser, if the child be married; and further, until he hath satisfied the king for the trespass. And this must be done of an heir being within the age of fourteen years and touching an heir being fourteen years old, or above unto his full age, if he marry without licence of his lord to defraud him of the marriage, and his lord offer him reasonable * and convenient marriage (without disparagement) then his

Co. Lit. 76. a.
4 Co. 82.
6 Co. 74.
9 Co. 72.
Dyer 255 to 260, pl. 23.
Bro. Forf. de marriage, 9, 12, 13.
Bro. Car. 109.
40 Ed. 3, 6.
Co. Lit. 80. a, 81. b.
2 Inst. 89.
Hob. 94, 96.

* Not in orig.

lord shall hold his land beyond the term of his age, that is to say, of one and twenty years, so long that he may receive the double value of the marriage after the estimation of lawful men, or according to what he had been offered before for the said marriage, without fraud or collusion, and after as it may be proved in the king's court. And as touching lords, which marry those that they have in ward to villains, or other, as burgesses, where they be disparaged, if any such an heir be within the age of fourteen years, and of such age, that he cannot consent to marriage, then, if his friends complain of the same lord, the lord shall lose the wardship unto the age of the heir; and all the profit, that thereof shall be taken, shall be converted to the use of the heir being within age, after the disposition and provision of his friends, for the shame done to him; but if he be fourteen years, and above, so that he may consent, and do consent to such marriage, no pain shall follow.

9 H. 3, st. 1, c. 6.
Confirmed by 3 Ed. 1, c. 22.
Enforced by 13 Ed. 1, st. 1, c. 35.
Regist. 161, &c.
OBS. by 12 Car. 2, c. 24.

20 HENRY 3, CAP. 7.—*In what case the ward shall pay to his lord the value of his marriage.*—If an heir (of what age soever he be) will not marry at the request of his lord, he shall not be compelled thereunto; but when he cometh to full age, he shall give to his lord, and pay him as much as any would have given him for the marriage before the receipt of his land, and that whether he will marry himself, or not; for the marriage of him that is within age of mere right pertaineth to the lord of the fee.

Kel. 133.
Dyer 25, 260, 306.
Fitz. Brief, 937.
Fitz. Gard. 68, 128, 131, 138, 153, 156.
6 Co. 73, 73.
5 Co. 126. b.
Co. Ent. 396.
2 Inst 92. Cro. El. 469. OBS. by 12 Car. 2, c. 24.

20 HENRY 3, CAP. 9.—*He is a bastard that is born before the marriage of his parents.*—See Title—"BASTARDY," vol. i. p. 235.

3 EDWARD 1, CAP. 22.—*The penalty of an heir marrying without consent of his guardian. A woman ward.*—Of heirs married within age without the consent of their guardians, afore that they be past the age of fourteen years, it shall be done according as it is contained in the statute of *Merton*. And of them that shall be married without the consent of their guardians, after they be past the age of fourteen years, the guardian shall have the double value of their marriage, after the tenor of the same act. Moreover, such as have withdrawn their marriage, shall pay the full value thereof unto their guardian for the trespass, and nevertheless the king shall have like amends, according to the same act, * *of him that hath so withdrawn*. And of heirs females, after they have accomplished the age of fourteen years, and the lord (to whom the marriage belongeth) will not marry them, but for covetise of the land will keep them unmarried; it is provided, that the lord shall not have nor keep, by reason of marriage, the lands of such heirs females, more than two years after the term of the said fourteen years. And if the lord within the said two years do not marry them, then shall they have an action to recover their inheritance quit, without giving any thing for their wardship, or their marriage. And if they of malice, or by evil counsel, will not be married by their chief lords (where they shall not be disparaged) then their lords may hold their land and inheritance until they have accomplished the age of an heir male, that is to wit, of one and twenty years, and further until they have taken the value of the marriage.

2 Inst. 202.
Cro. El. 469.
Stat. Merton,
20 H. 3, c. 6.

Co. Ent. 262.
* These words in italics are not in the original. When an heir female shall be out of ward.

The penalty for a ward refusing a marriage tendered.
Fitz. Gard. 59, 71.
Bro. Gard. 86.
6 Co. 71.
Regist. 161.
12 Car. 2, c. 24, which abolishes wardship by tenure.

See 13 Ed. 1, stat. 1, c. 35, for the punishment of taking away a ward. OBS. by 12 Car. 2, c. 24, which abolishes wardship by tenure.

4 EDWARD 1, STAT. 3, PREF. & CAP. 5.—Bigamus *shall not be allowed his clergy*.—See Title—"BIGAMY," vol. i. p. 277.

13 EDWARD 1, CAP. 35.—*In what case do lie a writ of ravishment of ward*, communi, custodia, ejectione, &c.—Concerning children males or females (whose marriage belongeth to another) taken and carried away, if the ravisher have no right in the marriage, though after he restore the child unmarried, or else pay for the marriage, he shall nevertheless be punished for his offence by two years imprisonment; and if he do not restore, or do marry the child after the years of consent, and be not able to satisfy for the marriage, he shall abjure the realm, or have perpetual imprisonment; and thereupon the plaintiff shall have such a writ:

Si A. fecerit te securum de clamore suo, &c. tunc pone per vadium, &c. B. quod sit coram justiciariis, &c. ostensurus, quare talem hæredem infra ætatem existentem, cujus maritagium ad ipsum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipsius A. & contra pacem nostram, &c.

And if the heir be in the same county, then this clause must be thereto added:

Et diligenter inquiras, ubi ille hæres sit in balliva tua; & ipsum (ubicunque fuerit inventus) capias, & salvo & secure custodias, ita quod eum habeas coram præfatis justiciariis nostris ad præfatum terminum, ad reddendum cui prædictorum A. vel B. reddi debeat.

And suit shall be made against the party on whom complaint is made, until he come in by distress, if he have whereby he may be distrained; or else for his contumacy, in case he be not justifiable, he shall be outlawed. And if percase the heir be married, or carried into another county, then a writ shall be directed to the sheriff of the same shire in this form:

Questus est nobis A. quod B. nuper talem hæredem infra ætatem & in custodia sua existentem tali loco in comitatu tali rapuit, & de comitatu tali ad talem locum in com' tuo abduxit contra voluntatem ipsius A. & contra pacem nostram, &c. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque in balliva tua invenire poteris) capias, & salvo & secure eum custodias, ita quod eum habeas coram justitiariis nostris, &c. tali die, quem idem A. habet versus prædictum B. ad reddendum cui de jure reddi debeat.

And if the heir do die afore he can be found, or before he can be restored to the plaintiff, the plea shall pass between them nevertheless, until it be tried unto whom he ought to have been restored if he had been living. Neither shall the ravisher of such a one be excused or eased of the punishment aforesaid by the death of the heir, whom he did withhold by wrong during his life. And if the plaintiff die before the plea determined, if the right belong to him by reason of his proper fee, the plea shall be resummoned at the suit of the heir of the plaintiff, and the plea shall pass in due order. But if the right belongeth to him by another title, as by a title of gift, sale, or other such like, then the plea shall be resummoned at the suit of the executors of the plaintiff, and the plea shall pass as before is said. In the same manner if the defendant die before the plea be tried, or the heir be restored, the plea shall pass by resummons between the plaintiff, his heirs or executors, and the executors of

The punishment of him that taketh away a ward. 2 Inst. 433. 3 Inst. 171. Fitz. Gard. 18, 25, 29, 30, 31, 32, 118, 121. Fitz. Judgm. 102, 116, 123, 150, 157, 172, 204.

Bro. ravishment, 33. Co. Lit. 136. b. Hob. 93. 1 Roll 445. 2 Roll 354. A writ of ravishment of ward. Regist. 163. 9 Co. 71. 74. Fitz. Brief, 823. Rast. 390. 3 Bulst. 275, 278, 281.

Process against an offender.

A writ if the heir be carried into another county. Dyer 289.

If the heir die before the suit ended. Fitz. Brief, 776.

24 Ed. 3, f. 48. 11 H. 4, f. 54.

Fitz. executors, 52. Fitz. Gard. 110. 24 Ed. 3, f. 25.

If the defendant die.

20 H. 3, c. 6.
3 Ed. 1, c. 22.
Resummons
in communi
custodia.
52 H. 3, c. 7.
Fitz. Proces.
33.

Fitz. Gard.
89.
Dyer 369.
Ejectione
custodiæ.
Regist. 161,
&c.
OBS. by 12
Car. 2, c. 24.

the defendant or his heirs, if the executors be not sufficient to satisfy for the value of the marriage, after it is contained in other statutes, but not as to the pain of imprisonment; for none ought to be punished for the offence of another. In the same manner when a plea hangeth between parties for the ward of land, or of an heir, or of both, by the common writ that beginneth *præcipe tali &c. quod reddat, &c.* Resummons shall be made between the heirs and executors of the plaintiff; and likewise the heirs and the executors of the defendant, if death prevent any of the parties before the plea determined. And when they have passed to the great distress, a day shall be given, within which three county courts may be holden at the least, in every of which open proclamation shall be made, that the deforcer shall come into the bench at the day contained in the writ, to answer the plaintiff; at which day if he come not, and the proclamation be so returned once, twice, or thrice, the judgment shall pass for the plaintiff, saving the right of the defendant, if after he will claim it. In the same manner it shall be done in a writ of trespass, when any complaineth himself to be ejected from such wardships.

18 EDWARD 3, STAT. 3, CAP. 2.—*Bigamy shall be tried by the ordinary, and not by inquest.*—See Title—"BIGAMY," vol. i. p. 277.

25 EDWARD 3, STAT. 2.—*In what place bastardy pleaded against him that is born out of the realm shall be tried.*—See Title—"BASTARDY," vol. i. p. 235.

9 HENRY 6, CAP. 11.—*Proclamations before a writ be awarded to the bishop to certify bastardy.*—See Title—"BASTARDY," vol. i. p. 236.

25 HENRY 8, CAP. 22, SECS. 2, 3, 4, 5, & 14.—*An act concerning the king's succession.*

The marriage
between the
king and the
lady Katherine
shall be
adjudged
void, and the
separation
good.

II. In consideration whereof, your said most humble and obedient subjects, the nobles and commons of this realm, calling further to their remembrance, that good unity, peace and wealth of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consisteth and resteth in the certainty and surety of the procreation and posterity of your highness, in whose most royal person at this present time, is no manner of doubt nor question; do therefore most humbly beseech your highness, that it may please your majesty, that it may be enacted by your highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the marriage heretofore solemnized between your highness and the lady *Katherine*, being before the lawful wife to prince *Arthur*, your elder brother, which by him was carnally known, as doth duly appear by sufficient proof in a lawful process had and made before *Thomas*, by the sufferance of God, now archbishop of *Canterbury*, and metropolitan and primate of all this realm, shall be, by authority of this present parliament, definitively, clearly and absolutely declared, deemed and adjudged to be against the laws of Almighty God, and also accepted, reputed and taken of no value nor effect, but utterly void and adnihilated, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes; any licence, dispensation or any other act or acts going afore, or ensuing the same, or to the

contrary thereof, in anywise notwithstanding; and that every such licence, dispensation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, shall be void and of none effect; and that the said lady *Katherine* shall be from henceforth called and reputed only dowager to prince *Arthur*, and not queen of this realm; and that the lawful matrimony had and solemnized between your highness and your most dear and entirely beloved wife queen *Anne*, shall be established, and taken for undoubtful, true, sincere and perfect ever hereafter, according to the just judgment of the said *Thomas*, archbishop of *Canterbury*, metropolitan and primate of all this realm, whose grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the convocations, and by both the universities thereof, as by the universities of *Bonony*, *Padua*, *Paris*, *Orleans*, *Toulouse*, *Anjou*, and divers others, and also by the private writings of many right excellent well learned men; which grounds so confirmed, and judgment of the said archbishop ensuing the same, together with your marriage solemnized between your highness and your said lawful wife queen *Anne*, we your said subjects, both spiritual and temporal, do purely, plainly, constantly and firmly accept, approve and ratify for good, and consonant to the laws of Almighty God, without error or default; most humbly beseeching your majesty, that it may be so established for ever by your most gracious and royal assent.

The lady Katherine shall be called dowager to prince Arthur, and not queen.

The marriage between the king and his wife queen Anne shall be taken for good, and consonant to God's law.

III. And furthermore, since many inconveniences have fallen, as well within this realm as in others, by reason of marrying within the degrees of marriage prohibited by God's laws, that is to say, the son to marry the mother, or the step-mother, the brother the sister, the father his son's daughter, or his daughter's daughter, or the son to marry the daughter of his father procreate and born by his step-mother, or the son to marry his aunt, being his father's or mother's sister, or to marry his uncle's wife, or the father to marry his son's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister; which marriages, albeit they be plainly prohibited and detested by the laws of God, yet nevertheless, at some times they have proceeded under colours of dispensations by man's power, which is but usurped, and of right ought not to be granted, admitted nor allowed; for no man, of what estate, degree or condition soever he be, hath power to dispense with God's laws, as all the clergy of this realm in the said convocations, and the most part of all the famous universities of Christendom, and we also, do affirm and think.

Marriage within the degrees prohibited by God's law. 2 Vent. 11. 32 H. 8, c. 38.

No man hath power to dispense with God's law.

IV. Be it therefore enacted by the authority aforesaid, that no person or persons, subjects or residents of this realm, or in any your dominions, of what estate, dignity or degree soever they be, shall from henceforth marry within the said degrees afore rehearsed, what pretence soever shall be made to the contrary thereof; and in case any person or persons, of what estate, dignity, degree or condition soever they be, hath been heretofore married within this realm, or in any the king's dominions, within any the degrees above expressed, and by any the archbishops, bishops or ministers of the church of *England*, be separate from the bonds of such unlawful marriage, that

then every such separation shall be good, lawful, firm and permanent for ever, and not by any power, authority or means to be revoked or undone hereafter, and that the children proceeding and procreate under such unlawful marriage, shall not be lawful nor legitimate; any foreign laws, licences, dispensations or other thing or things to the contrary thereof notwithstanding.

Persons heretofore married within the degrees aforesaid shall be separated by the ordinary's sentence Hob. 148. 25 H. 8, c. 21, s. 8, n. 1.

V. And in case there be any person or persons within this realm, or in any the king's dominions, already married within any the said degrees above specified, and not yet separate from the bonds of such unlawful marriage, that then every such person so unlawfully married, shall be separate by the definitive sentence and judgments of the archbishops, bishops and other ministers of the church of *England*, and in other your dominions, within the limits of their jurisdictions and authorities, and by none other power or authority; and that all sentences and judgments given and to be given by any archbishop, bishop or other minister of the church of *England*, or in other the king's dominions, within the limits of their jurisdictions and authorities, shall be definitive, firm, good and effectual, to all intents, and be observed and obeyed, without suing any provocations, appeals, prohibitions or other process from the court of *Rome*, to the derogation thereof, or contrary to the act made since the beginning of this present parliament, for restraint of such provocations, appeals, prohibitions and other processes.

Marriage with carnal knowledge. See 1 Eliz. c. 1.

XIV. Provided always, that the article in this act contained concerning prohibitions of marriages within the degrees afore mentioned in this act, shall always be taken, interpreted and expounded of such marriages, where marriages were solemnized and carnal knowledge was had.

28 HENRY 8, CAP. 7, SECS. 9—12.—*An act for the establishment of the imperial crown of this realm.*

A further explanation of the degrees prohibited, as to carnal knowledge.

IX. And furthermore since many inconveniencies have fallen, as well within this realm as in others, by reason of the marrying within the degress of marriage prohibited by God's laws, that is to say, the son to marry the mother, or the step-mother carnally known by his father: the brother the sister: the father his son's daughter, or his daughter's daughter: or the son to marry the daughter of his father procreate and born by his step-mother: or the son to marry his aunt, being his father's or mother's sister: or to marry his uncle's wife carnally known by his uncle: or the father to marry his son's wife carnally known by his son: or the brother to marry his brother's wife carnally known by his brother: or any man married, and carnally knowing his wife, to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister.

A woman being carnally known, the prohibition shall extend to all allied in any degree, to both parties,

X. And further to dilate and declare the meaning of these prohibitions, it is to be understood, that if it chance any man to know carnally any woman, that then all and singular persons, being in any degree of consanguinity or affinity, as is above-written, to any of the parties so carnally offending, shall be deemed and adjudged to be within the cases and limits of the said prohibitions of marriage. All which marriages albeit they be plainly prohibited and detested by the laws of God, yet nevertheless at sometimes they have proceeded under colours of dispensations by man's power, which is but usurped,

and of right ought not to be granted, admitted nor allowed. For no man of what estate, degree, or condition soever he be, hath power to dispense with God's laws, as all the clergy of this realm in the said convocations, and the most part of all the universities of Christendom, and we also do affirm and think.

XI. Be it therefore enacted by authority aforesaid, according as it is declared and contained in the said act, made in the last parliament for the establishment of your succession, that no person or persons, subjects, or residents of this realm, or in any your dominions, of what estate, degree or dignity soever they be, shall from henceforth marry within the degrees afore rehearsed, what pretence soever shall be made to the contrary thereof. And in case any person or persons, of what estate, dignity, degree or condition soever they be, that be heretofore married within this realm, or in any other the king's dominions, within any the degrees above rehearsed, and by any the archbishops or ministers of the church of *England* be separate from the bonds of such unlawful marriages: that then every such separation shall be good, lawful, firm and permanent for ever, and not by any power, authority or means to be revoked or undone hereafter. And that the children proceeding or procreate under such unlawful marriage, shall not be lawful nor legitimate: any foreign laws, licences, dispensations, or other thing or things to the contrary thereof notwithstanding.

XII. And that in case there be any person or persons within this realm, or in any the king's dominions, already married within any of the said degrees above specified, and not yet separate from the bonds of such unlawful marriage, that then every such person so unlawfully married, shall be separate by the definitive sentence and judgments of the archbishops, bishops, and other ministers of the church of *England*, and in other your dominions, within the limits of their jurisdictions and authorities, and by none other power or authority. And that all sentences and judgments given and to be given by any archbishop, bishop, or other minister of the church of *England*, or in any other the king's dominions within the limits of their jurisdictions and authority, shall be definitive, firm, good, and effectual to all intents, and be observed and obeyed, without suing any provocations, appeals, prohibitions, or other process from or to the court of *Rome*, to the derogation thereof, contrary to the act made sithence the beginning of the last parliament for restraint of such provocations, appeals, prohibitions and other processes.

32 HENRY 8, CAP. 38.—*For marriages to stand notwithstanding pre-contracts.*—Whereas heretofore the usurped power of the bishop of *Rome* hath always entangled and troubled the mere jurisdiction and regal power of this realm of *England*, and also unquieted much the subjects of the same, by his usurped power in them, as by making that unlawful which by God's word is lawful, both in marriages and other things, as hereafter shall appear more at length, and till now of late in our sovereign lord's time, which is otherwise by learning taught than his predecessors in times past of long time have been, hath so continued the same, whereof yet some sparks be left, which hereafter might kindle a greater fire, and so remaining, his power not to seem utterly extinct:

with which
none can dis-
pense.

Recital and
confirmation
of the fore-
going act,
25 H. 8,

making all
separations
good,

and the issue
illegitimate,

and com-
manding all
such marri-
ages to be
separated,

without
appeal to
Rome.

What mar-
riages are
lawful, and
what not.
2 Inst. 683.

The enormity
of avoiding
marriages
by pre-con-
tracts.
Vin. v. 15,
262.

The incon-
veniencies
of dispen-
sations to
marry.

Cro. El. 228.
Co. Lit. 235, a.
All persons
be lawful to
contract
marriage
that be not
prohibited
by God's law.
Vaugh. 206.
That mar-
riage is in-
dissoluble,
which is con-
tracted and

II. Therefore it is thought most convenient to the king's highness, his lords spiritual and temporal, with the commons of this realm, assembled in this present parliament, that two things specially for this time be with diligence provided for, whereby many inconveniences have ensued, and many more else might ensue and follow: as where heretofore divers and many persons, after long continuance together in matrimony, without any allegation of either of the parties, or any other at their marriage, why the same matrimony should not be good, just and lawful, and after the same matrimony solemnized and consummate by carnal knowledge, and also sometime fruit of children ensued of the same marriage, have nevertheless, by an unjust law of the bishop of *Rome*, which is, that upon pretence of a former contract made, and not consummate by carnal copulation (for proof whereof two witnesses by that law were only required) being divorced and separate, contrary to God's law, and so the true matrimony, both solemnized in the face of the church, and consummate with bodily knowledge, and confirmed also with the fruit of children had between them, clearly frustrate and dissolved: further also, by reason of other prohibitions than God's law admitteth, for their lucre by that court invented, the dispensations whereof they always reserved to themselves, as in kindred or affinity between cousin-germans, and so to fourth and fourth degree, carnal knowledge of any of the same kin, or affinity before in such outward degrees, which else were lawful, and be not prohibited by God's law, and all because they would get money by it, and keep a reputation to their usurped jurisdiction, whereby not only much discord between lawful married persons hath (contrary to God's ordinance) arisen, much debate and suit at the law, with wrongful vexation, and great damage of the innocent party hath been procured, and many just marriages brought in doubt and danger of undoing, and also many times undone, and lawful heirs disherited, whereof there had never else, but for his vain-glorious usurpation, been moved any such question, since freedom in them was given us by God's law, which ought to be most sure and certain; but that notwithstanding, marriages have been brought into such an uncertainty thereby, that no marriage could be so surely knit and bounden, but it should lie in either of the parties power and arbiter, casting away the fear of God, by means and compasses to prove a pre-contract, a kindred and alliance, or a carnal knowledge, to defeat the same, and so under the pretence of these allegations afore rehearsed, to live all the days of their lives in detestable adultery, to the utter destruction of their own souls, and the provocation of the terrible wrath of God upon the places where such abominations were used and suffered: be it therefore enacted by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that from the first day of the month of *July* next coming, in the year of our Lord God, one thousand five hundred and forty, all and every such marriages as within this church of *England* shall be contracted between lawful persons (as by this act we declare all persons to be lawful, that be not prohibited by God's law to marry) such marriages being contract and solemnized in the face of the church, and consummate with

bodily knowledge, or fruit of children or child being had therein between the parties so married, shall be by authority of this present parliament aforesaid deemed, judged and taken to be lawful, good, just and indissoluble, notwithstanding any pre-contract or pre-contracts of matrimony not consummate with bodily knowledge, which either of the parties so married or both shall have made with any other person or persons before the time of contracting that marriage which is solemnized and consummate, or whereof such fruit is ensued, or may ensue, as afore, and notwithstanding any dispensation, prescription, law, or other thing granted or confirmed by act, or otherwise; and that no reservation or prohibition, God's law except, shall trouble or impeach any marriage without the levitical degrees; and that no person, of what estate, degree or condition soever he or she be, shall, after the first day of the said month of *July* aforesaid, be admitted in any of the spiritual courts within this the king's realm, or any his grace's other lands and dominions, to any process, plea or allegation, contrary to this foresaid act.

solemnized
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the church,
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2 & 3 EDWARD 6, CAP. 23.—*The repeal of an act made in the twenty-second year of king Henry the eighth, which was made, that marriage contracted in the face of the church, and consummate with bodily knowledge, to be deemed lawful, any former contract notwithstanding.*—Whereas in the thirty-second year of the reign of the late king of famous memory, king *Henry* the eighth, because that many inconveniencies had chanced in this realm by breaking dissolving of good and lawful marriages, yea, whereupon also sometime issue and children had followed, under the colour and pretence of a former contract made with another, the which contract divers times was but very slenderly proved, and often but surmised by the malice of the party who desired to be dissolved from the marriage which they liked not, and to be coupled with another, there was an act made, that all and every such marriages, as within the church of *England* should be contracted and solemnized in the face of the church, and consummate with bodily knowledge, or fruit of children or child being had between the parties so married, should be by the authority of the said parliament deemed, judged and taken to be lawful, good, just and indissoluble, notwithstanding any pre-contract or pre-contracts of matrimony not consummate with bodily knowledge, which either of the persons so married, or both, had made with any other person or persons before the time of contracting that marriage which is solemnized or consummated, or whereof such fruit is ensued or may ensue, as by the same act more plainly may appear: sithence the time of which act, although the same was godly meant, the unruliness of men hath ungodly abused the same, and divers inconveniences (intolerable in manner to christian ears and eyes) followed thereupon, women and men breaking their own promises and faiths made by the one unto the other, so set upon sensuality and pleasure, that if after the contract of matrimony they might have whom they more favored and desired, they could be content by lightness of their nature to overturn all that they had done afore, and not afraid in manner, even from the very church door and marriage feast, the man to take another spouse, and the espouse to take another husband, more for carnal lust and bodily knowledge, than for surety of faith

Part of the
statute of
pre-contracts
repealed.

and truth, or having God in their good remembrance, contemning many times also the commandment of the ecclesiastical judge, forbidding the parties having made the contract to attempt to do any thing in prejudice to the same :

A repeal of so much of the statute of 32 H. 8, c. 38, as maketh that marriage indissoluble which is solemnized in the church and consummated with bodily knowledge and fruit of child. Vin. v. 15, 622.

II. Be it therefore enacted by the king's highness, the lords spiritual and temporal, and the commons, in this present parliament assembled, that as concerning pre-contracts, the said former statute shall from the first day of *May* next coming cease, be repealed, and of no force or effect, and be reduced to the estate and order of the king's ecclesiastical laws of this realm, which immediately before the making of the said statute in this case were used in this realm : so that from the said first day of *May*, when any cause or contract of marriage is pretended to have been made, it shall be lawful to the king's ecclesiastical judge of that place to hear and examine the said cause : and (having the said contract sufficiently and lawfully proved by him) to give sentence for matrimony, commanding solemnization, cohabitation, consummation, and tractation as becometh man and wife to have, with inflicting all such pains upon the disobedients and disturbers thereof, as in times past before the said statute the king's ecclesiastical judge by the king's ecclesiastical laws ought and might have done, if the said statute had never been made ; any clause, article or sentence in the said statute to the contrary in anywise notwithstanding.

III. Provided always, and be it enacted, that this act do not extend to disannul, dissolve or break any marriage that hath or shall be so solemnized and consummated before the first day of *May* next ensuing, by title or colour of any pre-contract, but that they be and be deemed of like force and effect, to all intents, constructions and purposes, as if this act had never been had nor made ; any thing in this present act notwithstanding.

A confirmation of the residue of the said statute of 32 H. 8, c. 38.

IV. Provided also, that this act do not extend to make good any of the other causes to the dissolution or disannulling of matrimony, which be in the said act spoken of and disannulled, but that in all other causes and other things therein mentioned, the said former act of the thirty-second year of the late king of famous memory do stand and remain in his full strength and power ; any thing in this act notwithstanding.

1 & 2 PHILIP & MARY, CAP. 8.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 126.

Punishment of such as take away maidens, &c. within sixteen years of age, &c. 3 H. 7, c. 2.

4 & 5 PHILIP & MARY, CAP. 8.—*An act for the punishment of such as shall take away maidens that be inheritors, being within the age of sixteen years, or that marry them without consent of their parents.*—Where maidens and women children of noblemen, gentlemen and others, as well such as be heirs apparent to their ancestors, as others, having left unto them by their father, or other ancestor and friends, lands, tenements and hereditaments, or other great substances in goods and chattels moveable, for and to the intent to advance them in marriage, somewhat like according to their degrees, and as might

be most for their surety and comfort, as well for themselves as of all other their friends and kinsfolks, be oftentimes unawares to their said friends or kinsfolks, by flattery, trifling gifts and fair promises, of many unthrifty and light personages, and thereto by the entreaty of persons of lewd demeanour, and others that for rewards buy and sell the said maidens and children, secretly allured and won to contract matrimony with the said unthrifty and light personages, and thereupon either with sleight or force oftentimes be taken and conveyed away from their said parents, friends or kinsfolks, to the high displeasure of Almighty God, disparagement of the said children, and the extreme continual heaviness of all their friends: which ungodly dealing, for lack of wholesome laws to the redress thereof, remaineth a great, familiar and common mischief in this our commonwealth:

II. For remedy whereof, be it enacted by the king and queen's majesties, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, that it shall not be lawful to any person or persons to take or convey away, or cause to be taken or conveyed away, any maid or woman child unmarried, being under the age of sixteen years, out of or from the possession, custody or governance, and against the will of the father of such maid or woman child, or of such person or persons to whom the father of such maid or woman child, by his last will and testament, or by any other act in his lifetime, hath or shall appoint, assign, bequeath, give or grant the order, keeping, education or governance of such maid or woman child, except such taking and conveying away as shall be had, made or done, by or for such person or persons, as without fraud or covin be or then shall be the master or mistress of such maid or woman child, or the guardian in soccage, or guardian in chivalry, of or to such maid or woman child.

III. And be it further enacted by the authority aforesaid, that if any person or persons above the age of fourteen years shall from and after the first day of *April* next coming unlawfully take or convey, or cause to be taken or conveyed, any maid or woman child unmarried, being within the age of sixteen years, out of or from the possession and against the will of the father or mother of such child, or out of or from the possession and against the will of such person or persons as then shall happen to have, by any lawful ways or means, the order, keeping, education or governance of any such maiden or woman child; that then every such person and persons so offending, being thereof lawfully attainted or convicted by the order and due course of the laws of this realm (other than such of whom such person taken away shall hold any lands or tenements by knight's service) shall have and suffer imprisonment of his or their bodies, by the space of two whole years, without bail or mainprize, or else shall pay such fine for his or their said offence, as shall be assessed by the council of the queen's highness, her heirs or successors, in the star chamber at *Westminster*.

IV. And be it further enacted by the authority aforesaid, that if any person or persons, after the said day, shall so take away, or cause to be taken away as is aforesaid, and deflower any such maid or woman child as is aforesaid, or shall against the will, or unknowing

3 Mod. 168,
169.
4 Mod. 145.

The penalty
for taking a
maid under
fourteen
years of age.

2 Mod 128.

The penalty
for taking
away, de-
flowering or
contracting
matrimony

with a woman under sixteen years of age.

of or to the father of any such maid, or woman child, if the father be in life, or against the will or unknowing of the mother of any such maid or woman child (having the custody or governance of such child, if the father be dead) by secret letters, messages, or otherwise contract matrimony with any such maiden or woman child, except such contracts of matrimony as shall be made by the consent of such person or persons, as by the title of wardship shall then have or be entitled to have the marriage of such maid or woman child; that then every such person or persons so offending, being thereof lawfully convicted, as is aforesaid, shall suffer imprisonment of his or their bodies, by the space of five years, without bail or mainprise, or else shall pay such fine for his or their said offence, as shall be assessed by the said council in the said star chamber; the one moiety of all which forfeitures and fines shall be to the king and queen's majesties, her heirs and successors, the other moiety to the parties grieved.

Who may hear and determine the offences aforesaid.
Cro. Car. 465.

V. And be it further enacted by the said authority, that the king and queen's highness' honorable council of the star chamber, by bill of complaint or information, and justices of assize by inquisition or indictment, shall have authority by virtue of this act to hear and determine the said offences; upon every which indictment and inquisitions, such process shall be awarded and lie, as upon an indictment of trespass at the common law.

The forfeiture of a woman consenting to an unlawful contract.
3 Mod. 84.

VI. And further be it enacted by the authority aforesaid, that if any woman child or maiden, being above the age of twelve years, and under the age of sixteen years, do at any time consent or agree to such person that so shall make any contract of matrimony, contrary to the form and effect of this statute, that then the next of the kin of the same woman child or maid, to whom the inheritance should descend, return or come, after the decease of the same woman child and maid, shall from the time of such assent and agreement have, hold and enjoy all such lands, tenements and hereditaments, as the same woman child and maiden had in possession, reversion or remainder, at the time of such consent and agreement, during the life of such person that shall so contract matrimony: and after the decease of such person so contracting matrimony, that then the said lands, tenements and hereditaments, shall descend, revert, remain, and come to such person or persons as they should have done in case this act had never been had nor made, other than to him only that so shall contract matrimony.

Orders for orphans.

VII. Provided always, and be it enacted, that this act, nor any thing therein contained, shall extend to take away or diminish any liberty, custom or authority, touching or concerning any orphan or orphans, which now be or hereafter shall be within the city of *London*, or any other city, borough or town, where orphans are commonly used to be provided for, either by grant or by custom, but that the lord mayor of the said city of *London*, and the aldermen of the same for the time being, and all and every other head officer or officers of any other city, borough or town, where such orphans be provided for, shall and may have and take like rule, order, keeping and charge of such orphan and orphans and of all their lands, tenements, goods and chattels, as heretofore they or any of them lawfully

See 39 Eliz. c. 9, by which clergy is

had or used, or lawfully might have had and used, if this act had not been made. taken away from principal offenders

1 ELIZABETH, CAP. 1.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 144.

18 ELIZABETH, CAP. 3.—*Justices of peace shall order the punishment of the mother and reputed father of a bastard, &c.*—See Title—"BASTARDY," vol. i. p. 239.

2 JAMES 1, CAP. 11.—*An act to restrain all persons from marriage until their former wives and former husbands be dead.*—See Title—"BIGAMY," vol. i. p. 278.

7 JAMES 1, CAP. 4, SEC. 7.—*An act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds and sturdy beggars, and other lewd and idle persons.*—See Title—"BASTARDY," vol. i. p. 239.

3 CHARLES 1, CAP. 4, SEC. 15.—*An act for continuance and repeal of divers statutes.*—See Title—"BASTARDY," vol. i. p. 240.

12 CHARLES 2, CAP. 33.—*An act for confirmation of marriages.*—Whereas by virtue or colour of certain ordinances, or certain pretended acts, or ordinances, divers marriages since the beginning of the late troubles have been had and solemnized in some other manner than hath been formerly used and accustomed: now for the preventing and avoiding of all doubts and questions touching the same, it is enacted by the king's most excellent majesty, with the advice and assent of the lords and commons in parliament assembled, and by the authority of the same, that all marriages had or solemnized in any of his majesty's dominions, since the first day of *May*, in the year of our Lord one thousand six hundred forty and two, before any justice of peace, or reputed justice of peace of *England* or *Wales*, or other his majesty's dominions, and by such justice or reputed justice, so pronounced or declared; and all marriages within any of his majesty's dominions, since the same first day of *May*, in the year of our Lord, one thousand six hundred forty two, had or solemnized according to the direction or true intent of any act or ordinance, or reputed act or ordinance of one or both houses of parliament, or of any convention sitting at *Westminster*, under the name, style or title of a parliament, or assuming that name, style or title; shall be, and shall be adjudged, esteemed and taken to be, and to have been of the same, and no other force and effect, as if such marriages had been had and solemnized according to the rites and ceremonies established, or used in the church or kingdom of *England*; any law, custom or usage to the contrary thereof notwithstanding. Marriages solemnized, during the rebellion, before justice of peace, or according to the ordinance, shall be as good, as if solemnized according to the rites of the church;

II. And be it further enacted, that where in any suit commenced, or to be commenced in any of the courts of the common law, any issue hath been joined, and not already tried or determined, or shall be joined upon the point of bastardy, or unlawfulness of marriage, for or concerning the marriages had and solemnized, as aforesaid, the same issues shall be tried by jury of twelve men, according to the course of trial of other issues triable by jury at the common law, and not otherwise; any law, statute or usage to the contrary thereof in anywise notwithstanding. and the issues concerning bastardy, therein, shall be tried by twelve men.

Marriages.
12 Car. 2,
c. 33.

13 CHARLES 2, CAP. 11.—*An act for confirming of three acts therein mentioned.*—Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, and by the authority of the same, that one other act, intituled, *an act for the confirmation of marriages*; and all and every the clauses, sentences and articles in them and every of them contained, shall be and hereby are ratified and confirmed, and enacted and declared to have the full force and strength of acts of parliament, according to the tenor and purport thereof, and so shall be adjudged, deemed and taken to all intents and purposes whatsoever, and as if the same had been made, declared and enacted by authority of this present parliament.

5 WILLIAM & MARY, CAP. 21.—*An act for granting to their majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France.*—See Title—"RATES AND DUTIES."

6 & 7 WILLIAM, 3, CAP. 6, SECS. 8, 9, 10, 14, 52, & 63.—*An act for granting to his majesty certain rates and duties upon marriages, births, and burials and upon batchelors, and widowers, for the term of five years, for carrying on the war against France with vigour.*—See Title—"RATES AND DUTIES."

5 & 6 W. & M.
c. 21.

7 & 8 WILLIAM 3, CAP. 35.—*An act for the enforcing the laws which restrain marriages without licence or banns, and for the better registering marriages, births and burials.*—Whereas by an act of parliament made in the fifth and sixth years of the reign of his majesty king *William*, and the late queen *Mary* of blessed memory, intituled, *an act for granting to their majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France*, it is amongst other things enacted, that a duty or imposition of five shillings shall be rated, levied, collected and paid, for every piece of paper or parchment, upon which any licence or certificate of marriage should be written or engrossed: and whereas by a clause in another act of parliament made in the sixth and seventh years of his majesty's reign, intituled, *an act for granting to his majesty certain rates and duties upon marriages, births, and burials, and upon bachelors and widowers, for the term of five years, for carrying on the war against France with vigour*, it is amongst other things enacted and provided, that no person shall be married at any place pretended to be exempted from the visitation of the bishop of the diocese without a licence first had and obtained, except the banns shall be published and certified according to law; and that every parson, vicar, and curate, who shall marry any persons contrary to the true intent and meaning thereof, shall forfeit the sum of one hundred pounds: which clause was so enacted and provided for the better ascertaining, levying, and collecting the aforesaid duty of five shillings upon every licence or certificate of marriage, but by experience is found ineffectual for the same, in regard the said penalty of one hundred pounds is not extended to every offence of the same parson, vicar, or curate, so offending as aforesaid: and whereas the force and intent of the said clause is otherwise eluded and made of none effect, by several parsons, vicars, and curates, who, to avoid the said penalty of one

6 & 7 W. 3,
c. 6, s. 52.

hundred pounds, do substitute and employ, and knowingly and wittingly suffer and permit, divers other ministers to marry great numbers of persons in their respective churches and chapels, without publication of banns, or licences of marriage first had and obtained; many of which ministers so substituted, employed, permitted, and suffered to marry as aforesaid, have no benefices or settled habitations, and are poor and indigent, and cannot easily be discovered and convicted of the offences aforesaid: and whereas divers ministers, being in prison for debt and otherwise, do marry in the said prisons, many persons resorting thither for the purposes aforesaid, and in other places for lucre and gain to themselves; by all which means the duties and impositions upon licences of marriage, as aforesaid, are greatly diminished and substracted, and many other great inconveniencies do arise: for the remedying and preventing whereof,

II. Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, that from and after the four and twentieth day of *June* in the year of our Lord one thousand six hundred ninety and six, every parson, vicar, or curate, who shall marry any persons in any church or chapel, exempt or not exempt, or in any other place whatever, without publication of the banns of matrimony between the respective persons according to law, or without licences for the said marriages first had and obtained, shall for every such offence forfeit the sum of one hundred pounds.

Penalty on persons marrying without banns or licence,

III. And for the more effectual preventing the abuses aforesaid, be it further enacted by the authority aforesaid, that every parson, vicar, or curate, who shall substitute or employ, or knowingly and wittingly shall suffer and permit, any other minister to marry any persons in any church or chapel to such parson, vicar, or curate belonging or appertaining, without publication of banns or licences of marriage first had and obtained, shall for every such offence forfeit the sum of one hundred pounds; the aforesaid respective forfeitures to be recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record, wherein no essoin, wager, or protection of law, or any more than one imparlance, shall be allowed; one moiety thereof to his majesty, his heirs and successors, and the other moiety to him or them who shall inform or sue for the same.

and for permitting others so to do.

IV. And for the better ascertaining, levying, and collecting, the said duties on marriages and licences, as aforesaid; be it further enacted by the authority aforesaid, that from and after the four and twentieth day of *June* in the year of our Lord one thousand six hundred ninety and six, every man so married without licence or publication of banns, as aforesaid, shall forfeit the sum of ten pounds, to be recovered, together with costs of suit, in manner as aforesaid, by any person who shall inform or sue for the same; and likewise that every sexton, or parish clerk, or other person acting as sexton or parish clerk, who shall knowingly and wittingly aid, promote, and assist at such marriages so celebrated without banns or licences, as aforesaid, shall forfeit the sum of five pounds, to be recovered with costs of suit in manner as aforesaid by any person who shall inform or sue for the same.

Penalty on those married without licence, or banns;

and on parish clerks assisting at such marriage. See 26 Geo. 2, c. 33, for making clandestine marriages void.

Penalty on
parents not
giving notice
in five days
after the
birth of a
child.

Distinct
registers to
be kept of
children not
christened,
and parents
to pay six-
pence for re-
gistring.

Penalty on
parents not
keeping such
register.

EXP.

Clause to
prevent clan-
destine mar-
riages.
See further
26 G. 2, c. 33.

V. And whereas divers children who are born within this kingdom are not christened according to the rites and ceremonies of the church of *England*, and many are christened in private houses, nor are the parents of such children obliged by the aforesaid act to give notice to their respective ministers, of the births of such children; for want whereof an exact register of all persons born is not kept, and many persons chargeable with the duties in the said act mentioned do thereby escape the payment of the several sums due to his majesty, and charged upon them by the said act, by reason of the births of such children: for remedy whereof be it enacted by the authority aforesaid, that from and after the four and twentieth day of *June*, which shall be in the year one thousand six hundred ninety and six, the parents of every child, which shall at any time be born after the said day and year, and during the continuance of the said acts, or one of them, shall within five days after such birth give notice to the respective rector, vicar, curate, or clerk of the parish or place where such child was born, of the day of the birth of every such child: and in case any parent shall neglect to give such notice as aforesaid, he or she shall forfeit the sum of forty shillings, one moiety thereof to the king's majesty, and the other moiety to the informer; the which said rector, vicar, curate, or clerk of the parish, or their substitutes, are hereby required, during the continuance of the said act, to take an exact and true account, and keep a distinct register of all and every person or persons so born in his or their respective parishes or precincts, and not christened; for doing which the parents of such child, or one of them, shall pay to every such parson, rector, vicar, curate, or clerk of the parish, the sum of sixpence; and if any such rector, vicar, curate, parson, or minister, shall refuse or neglect to keep a true register thereof, as before is directed, such parson or other minister, so offending shall forfeit the sum of forty shillings, to be recovered by such persons, and in such manner, as in the said recited act the forfeitures therein mentioned are appointed to be recovered; any thing in the said law contained to the contrary notwithstanding.

Commissioners to administer oaths to the collectors. Parsons to produce twice a year, to the commissioners, such licences, certificates, and registers. 4 Anne, c. 12, s. 10, indemnifies omissions in this case. Parsons to give notice, within ten days, of persons buried in their parishes.

10 ANNE, CAP. 19, SECS. 176—178.—*An act for better securing her majesty's duties to arise in the office for the stamp duties by licences for marriages and otherwise;*

CLXXVI. And whereas great loss hath happened of the duties already laid upon stamped vellum, parchment and paper, and other inconveniencies daily grow, from clandestine marriages; for remedy thereof for the future, be it enacted by the authority aforesaid, that every parson, vicar, or curate, or other person in holy orders, beneficed or not beneficed, who shall, after the four and twentieth day of *June* one thousand seven hundred and twelve, marry any person in any church or chapel, exempt or not exempt, or in any other place whatsoever, without publication of the banns of matrimony between the respective parties according to law, or without licence first had

and obtained from the proper ordinary for the said marriage, shall for every such offence forfeit the sum of one hundred pounds, to be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed; one moiety thereof to the queen, her heirs and successors, and the other moiety to him or them who shall sue for the same; and if such offender shall be a prisoner in any prison or gaol, (other than a county gaol) at the time of such offence committed, and shall be duly convicted of such offence, by action or information, as aforesaid, then upon oath made of such imprisonment before any judge of her majesty's courts of record at *Westminster*, and upon producing a copy of the record of such conviction, to be likewise proved upon oath before the said judge (which oath the said judge is hereby empowered to administer) the said judge is hereby required to grant his warrant to the keeper of the gaol or prison where such offender is a prisoner (which warrant such keeper is hereby required to obey) to remove such offender to the gaol of that county where such offender is a prisoner, there to remain charged in execution with the penalty inflicted by this act, and with all and every the causes of his former imprisonment; and if any gaoler or keeper of any prison shall be privy to, or knowingly permit any marriage to be solemnized in his said prison, before publication of banns, or licence obtained, as aforesaid, he shall for every such offence forfeit the sum of one hundred pounds, to be recovered and distributed, as aforesaid.

CLXXVII. Saving nevertheless, to all archbishops, bishops, archdeacons, and other ordinaries, their vicars-general, commissaries, and officials, the free exercise of all ecclesiastical jurisdiction, and full power and authority of inflicting all such pains and censures for this or any other crime or crimes, as they might have done if this act had not been made.

Salvo for archbishops, &c. jurisdiction.

CLXXVIII. Provided always, that the said provision for marriages do not extend to that part of *Great Britain* called *Scotland*.

Not to extend to Scotland.

15 GEORGE 2, CAP. 30.—*An act to prevent the marriage of lunatics.*

4 Geo. 2, c. 10.

—Whereas persons who have the misfortune to become lunatics, may, by reason of such their disorder, be liable to be surprised into unsuitable marriages, which may be of pernicious consequence, and a great misfortune to their families: wherefore, for preventing the same, and the ill consequence thereof, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and forty-two, in case any person who now is, or at any time hereafter shall be found a lunatic, by any inquisition taken or to be taken by virtue of a commission under the great seal of *Great Britain*; or any lunatic or person under a phrenzy, whose person and estate by virtue of any act of parliament, now are, or hereafter shall be committed to the care and custody of particular trustees, shall marry before he or she shall be declared of sane mind by the lord high chancellor of *Great Britain*, the lord keeper

Lunatic not to marry till declared of sane mind by the lord chancellor, &c.

or lords commissioners of the great seal of *Great Britain* for the time being, or such trustees as aforesaid, or the major part of them respectively; every such marriage shall be, and is hereby declared to be null and void to all intents and purposes whatsoever.

Publication
of banns.

26 GEORGE 2, CAP. 33.—*An act for the better preventing of clandestine marriages.*—Whereas great mischiefs and inconveniences have arisen from clandestine marriages; for preventing thereof for the future, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of *March* in the year of our Lord one thousand seven hundred and fifty-four, all banns of matrimony shall be published in an audible manner in the parish church, or in some public chapel, in which public chapel banns of matrimony have been usually published, of or belonging to such parish or chapelry wherein the persons to be married shall dwell, according to the form of words prescribed by the rubric prefixed to the office of matrimony in the book of common prayer, upon three *Sundays* preceding the solemnization of marriage, during the time of morning service, or of evening service (if there be no morning service in such church or chapel upon any of those *Sundays*) immediately after the second lesson: and whensoever it shall happen that the persons to be married shall dwell in divers parishes or chapelries, the banns shall in like manner be published in the church or chapel belonging to such parish or chapelry wherein each of the said persons shall dwell; and were both or either of the persons to be married shall dwell in any extra-parochial place, (having no church or chapel wherein banns have been usually published) then the banns shall in like manner be published in the parish church or chapel belonging to some parish or chapelry adjoining to such extra-parochial place: and where banns shall be published in any church or chapel belonging to any parish adjoining to such extra-parochial place, the parson, vicar, minister or curate, publishing such banns, shall, in writing under his hand, certify the publication thereof in such manner as if either of the persons to be married dwelt in such adjoining parish; and that all other the rules prescribed by the said rubric concerning the publication of banns, and the solemnization of matrimony, and not hereby altered, shall be duly observed; and that in all cases where banns shall have been published, the marriage shall be solemnized in one of the parish churches or chapels where such banns have been published, and in no other place whatsoever.

Minister to
sign the pub-
lication;

and the mar-
riage to be
solemnized
in one of the
churches
where the
banns have
been pub-
lished.

Notice of the
names, places
of abode and
time of resi-
dence of the
parties to be
given to the
minister
seven days
before pub-
lication of
banns.

II. Provided always, and it is hereby further enacted, that no parson, vicar, minister or curate shall be obliged to publish the banns of matrimony between any persons whatsoever, unless the persons to be married shall, seven days at the least before the time required for the first publication of such banns respectively, deliver or cause to be delivered to such parson, vicar, minister or curate, a notice in writing of their true christian and surnames, and of the house or houses of their respective abodes within such parish, chapelry or extra-parochial place as aforesaid, and of the time during which they have dwelt, inhabited or lodged in such house or houses respectively.

III. Provided always, and be it enacted by the authority aforesaid, that no parson, minister, vicar or curate solemnizing marriages after the twenty-fifth day of *March* one thousand seven hundred and fifty-four, between persons, both or one of whom shall be under the age of twenty-one years, after banns published, shall be punishable by ecclesiastical censures for solemnizing such marriages without consent of parents or guardians, whose consent is required by law, unless such parson, minister, vicar or curate shall have notice of the dissent of such parents or guardians; and in case such parents or guardians, or one of them, shall openly and publicly declare, or cause to be declared in the church or chapel where the banns shall be so published, at the time of such publication, his, her or their dissent to such marriage, such publication of banns shall be absolutely void.

Minister not punishable for solemnizing marriage after banns published, where the parents or guardians given notice of dissent;

but where such dissent shall be given publication of banns to be void.

IV. And it is hereby further enacted, that no licence of marriage shall, from and after the said twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, be granted by any archbishop, bishop, or other ordinary or person having authority to grant such licences, to solemnize any marriage in any other church or chapel, than in the parish church or public chapel of or belonging to the parish or chapelry, within which the usual place of abode of one of the persons to be married shall have been for the space of four weeks immediately before the granting of such licence; or where both or either of the parties to be married shall dwell in any extra-parochial place, having no church or chapel wherein banns have been usually published, then in the parish church or chapel belonging to some parish or chapelry adjoining to such extra-parochial place, and in no other place whatsoever.

Licences to be granted to solemnize matrimony in the church or chapel of such parish only, where one of the parties shall have resided for four weeks before, &c.

V. Provided always, and be it enacted by the authority aforesaid, that all parishes where there shall be no parish church or chapel belonging thereto, or none wherein divine service shall be usually celebrated every *Sunday*, may be deemed extra-parochial places for the purposes of this act, but not for any other purpose.

Places which may be deemed extra-parochial by this act.

VI. Provided always, that nothing hereinbefore contained shall be construed to extend to deprive the archbishop of *Canterbury* and his successors, and his and their proper officers, of the right which hath hitherto been used, in virtue of a certain statute made in the twenty-fifth year of the reign of the late king *Henry* the eighth, intituled, *an act concerning Peter pence and dispensations*; of granting special licences to marry at any convenient time or place.

Archbishop of *Canterbury*'s right to grant special licences reserved.

VII. Provided always, and be it enacted, that from and after the twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, no surrogate deputed by any ecclesiastical judge, who hath power to grant licences of marriage, shall grant any such licence before he hath taken an oath before the said judge faithfully to execute his office, according to law, to the best of his knowledge, and hath given security by his bond in the sum of one hundred pounds to the bishop of the diocese, for the due and faithful execution of his said office.

Surrogate deputed to grant licences to take an oath of office, and give security

VIII. *And whereas many persons do solemnize matrimony in prisons and other places without publication of banns, or licence of marriage first had and obtained*; therefore, for the prevention thereof, be it

Persons convicted of solemnizing matrimony

without
banns or li-
cence, or in
any other
place, &c.
except by
special li-
cence,

to be trans-
ported,

and the mar-
riages to be
null.

Prosecutions
for the same
to be com-
menced
within three
years.

Proof of the
parties dwel-
ling in the
parishes, &c.
where mar-
riages shall
have been
solemnized,
not neces-
sary to the
validity of
such mar-
riage.

Marriages
solemnized
by licence
without con-
sent of the
parents or
guardians,
where either
of the parties
(not being a
widower or
widow) shall
be under age,
void.

Where the
guardians or
mother shall

enacted, that if any person shall, from and after the said twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, solemnize matrimony in any other place than a church or public chapel, where banns have been usually published, unless by special licence from the archbishop of *Canterbury*; or shall solemnize matrimony without publication of banns, unless licence of marriage be first had and obtained from some person or persons having authority to grant the same, every person knowingly and wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of felony, and shall be transported to some of his majesty's plantations in *America* for the space of fourteen years, according to the laws in force for transportation of felons; and all marriages solemnized from and after the twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, in any other place than a church or such public chapel, unless by special licence as aforesaid, or that shall be solemnized without publication of banns, or licence of marriage from a person or persons having authority to grant the same first had and obtained, shall be null and void to all intents and purposes whatsoever.

IX. Provided, that all prosecutions for such felony shall be commenced within the space of three years after the offence committed.

X. Provided always, that after the solemnization of any marriage, under a publication of banns, it shall not be necessary in support of such marriage, to give any proof of the actual dwelling of the parties in the respective parishes or chapelries wherein the banns of matrimony were published; or where the marriage is by licence, it shall not be necessary to give any proof that the usual place of abode of one of the parties, for the space of four weeks as aforesaid, was in the parish or chapelry where the marriage was solemnized; nor shall any evidence in either of the said cases be received to prove the contrary in any suit touching the validity of such marriage.

XI. And it is hereby further enacted, that all marriages solemnized by licence, after the said twenty-fifth day of *March* one thousand seven hundred and fifty-four, where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, which shall be had without the consent of the father of such of the parties, so under age (if then living) first had and obtained, or if dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no such guardian or guardians, then of the mother (if living and unmarried) or if there shall be no mother living and unmarried, then of a guardian or guardians of the person appointed by the court of chancery; shall be absolutely null and void to all intents and purposes whatsoever.

XII. And whereas it may happen, that the guardian or guardians, mother or mothers, of the parties to be married, or one of them, so under age as aforesaid, may be *non compos mentis*, or may be in parts beyond the seas, or may be induced unreasonably, and by undue motives to abuse the trust reposed in him, her or them, by refusing or withholding his, her or their consent to a proper marriage; be it therefore enacted, that in case any such guardian or guardians, mother or mothers, or any of them, whose consent is made necessary

as aforesaid, shall be *non compos mentis*, or in parts beyond the seas, or shall refuse or withhold his, her or their consent to the marriage of any person, it shall and may be lawful for any person desirous of marrying, in any of the before mentioned cases, to apply by petition to the lord chancellor, lord keeper, or the lords commissioners of the great seal of *Great Britain* for the time being, who is and are hereby empowered to proceed upon such petition, in a summary way; and in case the marriage proposed, shall upon examination appear to be proper, the said lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, shall judicially declare the same to be so by an order of court, and such order shall be deemed and taken to be as good and effectual to all intents and purposes, as if the guardian or guardians, or mother of the person so petitioning, had consented to such marriage.

be non compos mentis, or in parts beyond the seas, or shall unreasonably withhold their consent the parties may apply to the lord chancellor, &c. and being approved by order of the court, shall be effectual.

XIII. And it is hereby further enacted, that in no case whatsoever shall any suit or proceeding be had in any ecclesiastical court, in order to compel a celebration of any marriage *in facie ecclesiæ*, by reason of any contract of matrimony whatsoever, whether *per verba de præsentis*, or *per verba de futuro*, which shall be entered into after the twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four; any law or usage to the contrary notwithstanding.

No suit to be in the ecclesiastical court to compel a marriage in facie ecclesiæ, by reason of any contract.

XIV. And for preventing undue entries and abuses in registers of marriages; be it enacted by the authority aforesaid, that on or before the twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, and from time to time afterwards as there shall be occasion, the churchwardens and chapelwardens of every parish or chapelry shall provide proper books of vellum, or good and durable paper, in which all marriages and banns of marriage respectively, there published or solemnized, shall be registered, and every page thereof shall be marked at the top, with the figure of the number of every such page, beginning at the second leaf with number one; and every leaf or page so numbered, shall be ruled with lines at proper and equal distances from each other, or as near as may be; and all banns and marriages published or celebrated in any church or chapel, or within any such parish or chapelry, shall be respectively entered, registered, printed, or written upon or as near as conveniently may be to such ruled lines, and shall be signed by the parson, vicar, minister or curate, or by some other person in his presence, and by his direction; and such entries shall be made as aforesaid, on or near such lines in successive order, where the paper is not damaged or decayed, by accident or length of time, until a new book shall be thought proper or necessary to be provided for the same purposes, and then the directions aforesaid shall be observed in every such new book; and all books provided as aforesaid shall be deemed to belong to every such parish or chapelry respectively, and shall be carefully kept and preserved for public use.

Churchwardens to provide books in which are to be registered all marriages and banns;

the same to be signed by the minister;

and the books to belong to the parish, and to be kept for public use.

XV. And in order to preserve the evidence of marriages, and to make the proof thereof more certain and easy, and for the direction of ministers in the celebration of marriages and registering thereof, be it enacted, that from and after the twenty-fifth day of *March* in the year one thousand seven hundred and fifty-four, all marriages shall be solemnized in the presence of two or more credible witnesses,

Marriages to be solemnized in the presence of

marriages amongst the people called *Quakers*, or amongst the persons professing the *jewish* religion, where both the parties to any such marriage shall be of the people called *Quakers*, or persons professing the *jewish* religion respectively, nor to any marriages solemnized beyond the seas.

persons in Scotland, or beyond the seas, exempted.

XIX. And be it further enacted by the authority aforesaid, that this act shall be publicly read in all parish churches and public chapels, by the parson, vicar, minister or curate of the respective parishes or chapelries, on some *Sunday* immediately after morning prayer, or immediately after evening prayer, if there shall be no morning service on that day, in each of the months of *September*, *October*, *November* and *December*, in the year of our Lord one thousand seven hundred and fifty-three, and afterwards at the same times, on four several *Sundays* in each year, (that is to say), the *Sundays* next before the twenty-fifth day of *March*, twenty-fourth day of *June*, twenty-ninth day of *September*, and twenty-fifth day of *December* respectively, for two years, to be computed from and immediately after the first day of *January* in the said year one thousand seven hundred and fifty-four.

This act to be read in all parish churches and public chapels.

21 GEORGE 3, CAP. 53.—*An act to render valid certain marriages, solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act, made in the twenty-sixth year of king George the second, intituled, an act for the better preventing of clandestine marriages.*—Whereas, since the making of an act, passed in the twenty-sixth year of the reign of his late majesty king *George the second*, intituled, *an act for the better preventing of clandestine marriages*, divers churches and public chapels have been erected and built within that part of *Great Britain* called *England*, *Wales*, and the town of *Berwick-upon-Tweed*, which have been duly consecrated, and divers marriages have been solemnized therein, but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said act, such marriages have been deemed to be void; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages already solemnized, or to be solemnized before the first day of *August*, one thousand seven hundred and eighty-one, in any church or public chapel, in that part of *Great Britain* called *England*, *Wales*, and the town of *Berwick-upon-Tweed*, erected since the making of the said act, and consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches or public chapels having chapelries annexed, and wherein banns had been usually published before or at the time of passing the said recited act.

Preamble.

Act 26 Geo. 2, recited.

All marriages solemnized before Aug. 1, 1781, in any church, &c. in England, erected since the making of the recited act, declared valid.

II. And be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who, before the tenth day of *July*, one thousand seven hundred and eighty-one, shall have solemnized any of the marriages which are hereby enacted to be valid in law, shall be, and they are hereby indemnified against the penalties inflicted by the said recited act upon persons who shall

Clergymen, who shall solemnize such marriages, indemnified.

solemnize marriages in any other place than a church or public chapel in which banns had been usually published before or at the time of passing the said recited act.

Registers of such marriages to be received as evidence.

III. And be it further enacted by the authority aforesaid, that the registers of marriages, solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof, shall be received in all courts of law and equity as evidence of such marriages, in the same manner as registers of marriages solemnized in parish churches or public chapels, in which banns were usually published before or at the time of passing the said recited act, or copies thereof, are received in evidence.

Registers of marriages solemnized in chapels to be removed to the parish church.

IV. And be it enacted by the authority aforesaid, that the registers of all marriages, solemnized in any public chapels which are hereby enacted to be valid in law, shall, within twenty days next after the first day of *August*, one thousand seven hundred and eighty-one, be removed to the parish church of the parish in which such chapel shall be situated; and in case such chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as marriage registers are directed to be kept by the said recited act.

35 GEORGE 3, CAP. 67.—*An act for rendering more effectual an act, passed in the first year of the reign of king James the first, intituled, an act to restrain all persons from marriage until their former wives and former husbands be dead.*—See Title—"BIGAMY," vol. i. p. 278.

43 GEORGE 3, CAP. 58.—*An act for the further prevention of malicious shooting, and attempting to discharge loaded fire arms, stabbing, cutting, wounding, poisoning, and the malicious using of means to procure the miscarriage of women; and also the malicious setting fire to buildings; and also for repealing a certain act, made in England in the twenty-first year of the late king James the first, intituled, an act to prevent the destroying and murdering of bastard children; and also an act made in Ireland in the sixth year of the reign of the late queen Anne, also intituled, an act to prevent the destroying and murdering of bastard children; and for making other provisions in lieu thereof.*—See Title—"BASTARDY," vol. i. p. 242.

44 GEORGE 3, CAP. 77.—*An act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act made in the twenty-sixth year of the reign of his late majesty king George the second, intituled, an act for the better preventing of clandestine marriages.*—Whereas since the making of an act, passed in the twenty-sixth year of the reign of his late majesty king *George the second*, intituled, *an act for the better preventing of clandestine marriages*; and
 26 G. 2, c. 33. also of an act, passed in the twenty-first year of the reign of his present majesty, intituled, *an act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act, made in the twenty-sixth year of king George the second, intituled, an act for the better preventing of clandestine marriages*, divers churches and chapels have been erected and built within that part of *Great Britain*
 21 G. 3, c. 53.

called *England, Wales*, and the town of *Berwick-upon-Tweed*, which have been duly consecrated, and divers marriages have been solemnized therein since the passing of the said last mentioned act; but, by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first mentioned act, such marriages have been or may be deemed to be void: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages already solemnized, or to be solemnized before the twenty-fifth day of *March* one thousand eight hundred and five, in any church or public chapel in that part of *Great Britain* called *England, Wales*, and the town of *Berwick-upon-Tweed*, erected since the making of the said act of the twenty-sixth year of the reign of his late majesty king *George* the second, and consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches, or public chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said last mentioned act.

Marriages in churches or chapels erected since 26 G. 2, solemnized before March 25, 1805, declared valid.

II. And be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who, before the said twenty-fifth day of *March* one thousand eight hundred and five, shall have solemnized any of the marriages which are hereby enacted to be valid in law, shall be and they are hereby indemnified against the penalties inflicted by the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, upon persons who shall solemnize marriages in any other place than a church or public chapel in which banns had been usually published before or at the time of passing the said last mentioned act.

Ministers having solemnized such marriages indemnified.

III. And be it further enacted by the authority aforesaid, that the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof, shall be received in all courts of law and equity as evidence of such marriages, in the same manner as the registers of such marriages solemnized in parish churches or public chapels in which banns were usually published before or at the time of passing the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, or copies thereof, are received in evidence: provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies in evidence, as would have been available to the receiving the same as evidence, if such registers or copies had related to marriages mentioned in such last mentioned parish churches or public chapels as aforesaid.

Registers of such marriages shall be received as evidence.

IV. And be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any public chapels, which are hereby enacted to be valid in law, shall, within fourteen days next after the said twenty-fifth day of *March* one thousand eight hundred and five, be removed to the parish church of the parish in which such chapel shall be situated, and in case such chapel shall be situated in an extra-parochial place, then to the parish church next

Registers of marriages solemnized in chapels, shall be removed to parish churches adjoining.

adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second.

48 GEORGE 3, CAP. 127.—*An act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act made in the twenty-sixth year of the reign of his late majesty king George the second, intituled, an act for the better preventing of clandestine marriages.*

Recital of acts, 26 Geo. 2, c. 33; 21 Geo. 3, c. 53; 44 Geo. 3, c. 77; marriages solemnized before the twenty-third day of *August*, one thousand eight hundred and eight, in any church or chapel in *England, Wales, or Berwick*, duly consecrated, declared valid, s. 1. Ministers who shall have solemnized such marriages indemnified against penalties under 26 Geo. 2, c. 33, s. 2. Registers of such marriages shall be received in evidence, s. 3. [See 44 Geo. 3, c. 77, s. 1. 2. 3.]

Registers of marriages so solemnized in chapels shall be removed to parish churches, &c. and thence transmitted to the bishop

IV. And be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any public chapels which are hereby enacted to be valid in law, shall, within thirty days next after the said twenty-third day of *August*, one thousand eight hundred and eight, be removed to the parish church of the parish in which such chapel shall be situated; and in case such chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said recited act, made in the twenty-sixth year of the reign of his said late majesty king *George* the second; and within twelve months after the removal of such registers to such parish churches respectively, two copies thereof respectively shall be transmitted by the respective churchwardens of such parishes to the bishop of the diocese, or his chancellor, subscribed by the hands of the minister and churchwardens of such parishes respectively, to the end that the same may be faithfully preserved in the registry of the said bishop.

51 GEORGE 3, CAP. 37.—*An act further to prevent the marriage of lunatics.*—Whereas an act was made in the parliament of *Great Britain*, in the fifteenth year of the reign of his late majesty king *George* the second, to prevent the marriage of lunatics: and whereas it is expedient that the provisions of the said act should be extended to *Ireland*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the expiration of ten days after the passing of this act, in case any person who has been, or at any time hereafter shall be found a lunatic by any inquisition taken or to be taken by virtue of a commission under the great seal of *Great Britain*, or the great seal of *Ireland* respectively, or any lunatic or person under a phrenzy, whose person and estate by virtue of any act of parliament now or hereafter shall be committed to the care and custody of particular trustees, shall marry

Persons found lunatic marrying before declared sane, marriage void.

15 G. 2, c. 30.

before he or she shall be declared of sane mind by the lord high chancellor of *Great Britain* or *Ireland*, or the lord keeper or lords commissioners of the great seal of *Great Britain* or *Ireland* for the time being, or such trustees as aforesaid, or the major part of them respectively, as the nature of the case shall require, every such marriage shall be and is hereby declared to be null and void to all intents and purposes whatsoever.

3 GEORGE 4, CAP. 75.—*An act to amend certain provisions of the twenty-sixth of George the second, for the better preventing of clandestine marriages.*—Whereas it is amongst other things provided, by an act passed in the twenty-sixth year of the reign of his late majesty ^{26 G. 2, c. 33,} king *George* the second, intituled *an act for the better preventing of* ^{s. 11.} *clandestine marriages*, that all marriages solemnized by licence after the twenty-fifth day of *March* one thousand seven hundred and fifty-four, where either of the parties (not being a widower or a widow) shall be under the age of twenty-one years, which shall be had without the consent of the father of such of the parties so under age (if then living) first had and obtained, or if dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them, and in case there shall be no such guardian or guardians, then of the mother (if living and unmarried), or if there shall be no mother living and unmarried, then of a guardian or guardians of the person appointed by the court of chancery, shall be absolutely null and void, to all intents and purposes whatsoever: and whereas great evils and injustice have arisen from such provisions: for remedy hereof, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said statute as is hereinbefore recited, as far as the same relates to any marriage to be hereafter solemnized, shall be and the same is hereby repealed.

Repealed.

II. And be it further enacted, that in all cases of marriage had and solemnized by licence before the passing of this act, without any such consent as is required by so much of the said statute as is hereinbefore recited, and where the parties shall have continued to live together as husband and wife, till the death of one of them, or till the passing of this act, or shall only have discontinued their cohabitation for the purpose, or during the pending of any proceedings touching the validity of such marriage, such marriage, if not otherwise invalid, shall be deemed to be good and valid to all intents and purposes whatsoever.

Marriages solemnized by licence without consent required by recited act, how far good.

III. Provided always, and be it enacted, that nothing in this act contained shall extend or be construed to extend to render valid any marriage declared invalid by any court of competent jurisdiction, before the passing of this act, nor any marriage where either of the parties shall at any time afterwards, during the life of the other party, have lawfully intermarried with any other person.

Act not to render valid any marriage declared invalid.

IV. Provided also, that nothing in this act contained shall be taken or deemed to render any marriage valid, the invalidity of which has been established before the passing of this act, upon the trial of any issue touching its validity, or touching the legitimacy of any person alleged to be the descendant of the parties to such marriage.

Not marriage declared invalid on trial.

Nor marriage where validity or legitimacy of children, brought into question, &c.

Property or title of honor on the ground of invalidity of marriage not affected by this act.

Proviso for acts done under the authority of any court, &c.

No licence granted till oath be made to the effect herein mentioned.

Of being of age.
As to being a widower or widow.

As to consent being duly given.

V. Provided also, that nothing in this act contained shall be taken or deemed to render valid any marriage, the validity of which, or the legitimacy of any person alleged to be the lawful descendant of the parties married, has been duly brought into question in proceedings in any causes or suits in law or equity in which judgments or decrees or orders of court have been pronounced or made, before the passing of this act, in consequence of or from the effect of proof in evidence having been made in such causes or suits of the invalidity of such marriage, or the illegitimacy of such descendant.

VI. Provided further, and be it further enacted, that if at any time before the passing of this act any property, real or personal, has been in any manner possessed, or any title of honor has been in any manner enjoyed by any person or persons whomsoever, upon the ground, or upon the pretence, or under colour of the invalidity of any marriage, by reason that it was had and solemnized without such consent as aforesaid, then and in such case, although no sentence or judgment has been pronounced in any court against the validity of such marriage, the right and interest in such property or title of honor shall in no manner be affected or prejudiced by this act, or any thing herein contained, but shall remain and be the same to all persons, and to all intents and purposes, as if this act had never been made.

VII. Provided always, and be it enacted, that nothing in this act contained shall extend or be construed to extend to affect or call in question any act done before the passing of this act under the authority of any court, or in the administration of any personal estate or effects, or the execution of any will or testament, or the performance of any trust.

VIII. And be it further enacted, that no licence for any marriage shall, from and after the first day of *September* in the year of our Lord one thousand eight hundred and twenty-two, be granted by any person having authority to grant the same, until oath shall have been made by the persons and to the effect required by this act; and if such licence shall be required for the marriage of parties, both or either of whom shall be alleged to be of the age of twenty-one years, such parties shall respectively make oath, that they are respectively, and that each of them believes the other to be, of the full age of twenty-one years or upwards; and if both parties shall be under the age of twenty-one years, but shall be alleged to be a widower and widow, then each of such parties shall make oath accordingly, as to himself and herself, and as to his and her belief with respect to the other party; and if one of the parties shall be of the age of twenty-one years, but the other party shall be under that age, and a widower or widow, both parties shall make oath accordingly, as to himself and herself, and as to his and her belief with respect to the other party; and if both or either of the parties shall be under the age of twenty-one years, not being a widower or widow, both of such parties shall make oath accordingly, as to himself and herself, and as to his and her belief with respect to the other party; and in such case both parties shall also make oath that the person or persons whose consent shall be required by law to the marriage of such parties has been given, and has been signified in the manner required by this

act; and if both or either of the parties shall be alleged to be of the age of twenty-one years, such licence shall not be granted until there shall be produced, to the person from whom such licence shall be required, an extract or extracts from the register of the baptism of such parties or party so alleged to be of the age of twenty-one years, if such register shall be in *England* and can be found; and each of such extracts shall be proved upon oath, by some other person or persons, to be a true extract from such register, and to relate to the baptism of the party to whom the same shall be alleged to relate, or according to the belief of the person making such oath; but if such register shall not be in *England*, or cannot be found, then such licence shall not be granted, unless such fact shall be proved upon oath to the satisfaction of the person from whom such licence shall be sought, and unless some person or persons, having knowledge of the party or parties so alleged to be of the full age of twenty-one years, shall make oath of the fact that such party or parties is or are of that age to the knowledge or belief of such person or persons so making oath as aforesaid, stating the grounds for such knowledge or belief; and in all cases, except cases of special licences to be granted by the archbishop of *Canterbury* and his officers, according to the proviso for that purpose in the said act of the twenty-sixth year of king *George* the second, oath shall also be made, by each of the parties for whose marriage a licence shall be sought, of the residence of such parties for the space of four weeks immediately before the granting of such licence, according to the said act of twenty-sixth year of king *George* the second.

As to extracts from registers of baptism.

As to party being of age where no register.

IX. And be it further enacted, that from and after the said first day of *September*, the consent of any person or persons whose consent shall be required by law to the marriage of any person under the age of twenty-one years, not being a widower or widow, shall be signified in writing, signed by such person or persons, and the signature thereto shall be attested by two or more witnesses, who shall subscribe their names to an attestation of such signature; and such consent shall fully describe the person or persons giving such consent, and shall state whether such person or persons shall be authorized to give such consent as lawful parent or as lawful guardian or guardians of the party to whose marriage such consent shall be given; and no licence shall be granted, from and after the said first day of *September*, for the marriage of any person under the age of twenty-one years, not being a widower or widow, unless such consent in writing shall be delivered to the person from whom such licence shall be sought, and unless one of the witnesses to the signing of such consent shall make oath that he or she saw such consent signed by the person or persons who shall appear to have signed the same, and also saw the other witness to the attestation of such signature sign such attestation, and that the names of such persons so subscribed to such consent, and attesting the signature thereof, are of the proper handwriting of such persons respectively; and some person, not being one of the parties for whose marriage such licence shall be sought, shall also make oath that the person or persons, who shall have signed such consent as lawful parent or lawful guardian or guardians of the party to whose marriage such

Consent of parents or guardians to be given in writing, signed in the presence of two witnesses, &c.

Oath by witnesses.

consent shall be required, is or are, to the best of his or her knowledge and belief, the lawful parent or lawful guardian or guardians of such party, and has or have authority to give such consent, and that the person making such oath well knows such parent or guardian or guardians, and also the party to whose marriage such consent shall be required.

Oaths to be taken before a surrogate.

Obtaining licence on false oath, &c.

Perjury.

Felony.

In what case forfeiture of interest under the marriage.

Oaths to be preserved by the proper officer.

Calendar and copy of licence open to inspection.

Licences to state facts on which granted.

X. And be it further enacted, that all such oaths as are required by this act for the purpose of obtaining any licence shall be respectively sworn and taken before a surrogate of the person from whom any such licence as aforesaid shall be sought, or before a surrogate of some other person having power to grant licences of marriage; and if any person or persons in any oath to be made and taken in pursuance of this act, for the purpose of obtaining any licence of marriage, shall knowingly and wilfully swear any matter or thing which shall be false or untrue, every person so offending shall, on conviction thereof, be deemed guilty of perjury, and shall suffer the like pains and penalties, and incur the same disabilities, as persons guilty of wilful and corrupt perjury are subject to and incur; and if any person shall knowingly and wilfully obtain any licence for the marriage of such person or of any other person, by means of any false oath, or by means of any false instrument in writing, contrary to the provisions of this act, knowing such oath or instrument to be false, such person being thereof convicted by due course of law, shall be deemed guilty of felony, and shall be liable to transportation for life as a felon; and if the person convicted of such offence shall be one of the persons who shall have contracted marriage by means of such licence, such person shall forfeit and lose to the king's majesty all estate, right, title, interest, benefit, profit and advantage, which such person may derive from or be entitled to by virtue of such marriage, and such forfeiture shall and may be disposed of in such manner as to his majesty shall seem fit; any grant of forfeitures or other matter or thing to the contrary notwithstanding.

XI. And be it further enacted, that all and every the oaths and instruments required by this act for the purpose of obtaining any such licence as aforesaid, shall be duly preserved by the proper officer or officers of the person authorized by law to grant such licence, and shall for that purpose be transmitted by the officer from whom any such licence shall be obtained, to the registrar of the diocese within which such licence shall be granted, within ten days after such licence shall have been granted, together with a copy of the licence so granted, and shall be there filed and preserved; and the registrar of such diocese shall cause an entry to be made of such licence and of the several instruments on faith whereof such licence shall have been granted, in a calendar to be kept for such purpose, so that the copy of such licence and such several instruments on faith whereof such licence shall have been granted, may be easily found and resorted to; and all persons shall be at liberty to inspect such calendar and such copy of licence, and all such other instruments as aforesaid, at all seasonable times.

XII. And be it further enacted, that in every licence for the solemnization of any marriage, which shall be granted after the said first day of *September*, the facts on which such licence shall have

been founded shall be stated, and it shall also be stated that such facts have been fully proved as required by this act.

XIII. And be it further enacted, that if any officer of any person authorized by law to grant any such licence shall not duly observe all the provisions contained in this act respecting such licence, such officer shall be deemed guilty of a misdemeanor, and being thereof duly convicted, shall suffer all the penalties and punishment which may be inflicted by law on a person guilty of a misdemeanor.

Officer granting licences, neglecting duty.

Misdemeanor.

XIV. And be it further enacted, that no person shall, from and after the passing of this act, be deemed authorized by law to grant any licence for the solemnization of any marriage, except the archbishops of *Canterbury* and *York*, according to the rights now vested in them respectively, and except the several other bishops within their respective dioceses, for the marriage of persons, one of whom shall be resident at the time within the diocese of the bishop in whose name such licence shall be granted, such residence to be proved in manner hereinbefore directed; and such archbishops and bishops shall make such orders and regulations for the observance of their respective officers within their respective jurisdictions, as they shall deem necessary for the more effectual performance of the duties of their several officers within the true intent and meaning of this act; and if any such officer shall not duly observe all such orders and regulations, such officer shall be deemed guilty of a misdemeanor, and being thereof duly convicted, shall be subject to punishment as guilty of a misdemeanor.

With whom power of granting licences lies.

Officers neglecting duty.

Misdemeanor.

XV. Provided always, and be it further enacted, that after the solemnization of any marriage by licence, it shall not be lawful to impeach or invalidate any such marriage, on the ground that any of the forms necessary to entitle parties to receive a licence as hereinbefore enacted have been neglected or have been executed in a manner different from what is hereinbefore required.

Marriage by licence not impeached for informality.

XVI. And be it further enacted, that before the publication of banns of matrimony in any church or chapel, pursuant to the provisions for that purpose in the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, there shall be delivered to the proper minister of the said church or chapel an affidavit or affidavits in writing, sworn before such minister or one of his majesty's justices of the peace, by the parties for whose marriage such banns shall be required to be published, stating truly the christian and surnames of such parties respectively, and the house or houses of their respective abode within such parish or chapelry, or within an extra-parochial place adjoining to such parish or chapelry, if both shall abide therein, or of one of such parties if one only shall abide therein, and the time during which such parties respectively or one of them, if one only shall abide therein, shall have dwelt in such house or houses, as occupier or occupiers thereof, or as lodger or lodgers therein; and such affidavit or affidavits shall also state, either that both the parties for whose marriage such banns shall be required to be published have attained the age of twenty-one years, or if both of them shall be under such age, then such affidavit shall state that both of them are under such age, and if one of them only shall be under such age, then such affidavit shall state that such

Before publication of banns, affidavit as to residence, &c. delivered to minister.

party is under such age; and such affidavit or affidavits shall be delivered to such minister before the publication of such banns; and in case any person shall in any such affidavit wilfully swear falsely in any matter contained therein, such person shall be deemed guilty of wilful and corrupt perjury, and being thereof convicted by due course of law, shall suffer the pains and penalties of wilful and corrupt perjury, and shall forfeit and lose to the king's majesty all estate, benefit, profit and advantage which such person shall derive from the marriage of such person in consequence of the publication of banns of matrimony in pursuance of such affidavit, to be disposed of by his majesty as he shall see fit; any grant of forfeitures or other matter or thing to the contrary notwithstanding.

Perjury.

Punishment.

Before publication, banns to be affixed on principal door of church, &c.

XVII. And be it further enacted, that such banns shall not be published until the true christian and surnames of the said persons, and the house or houses of their respective abodes within such parish or chapelry or extra-parochial place as aforesaid, as stated in such affidavit, shall be affixed on the principal door of the church or chapel and in some conspicuous place within the said church or chapel, in which such banns shall be published as aforesaid and shall remain so affixed until the expiration of the three *Sundays* on which such banns shall be published.

Affidavits to be delivered over to churchwardens.

XVIII. And be it further enacted, that every minister to whom any such affidavit shall be delivered, for the purpose of obtaining the publication of banns of matrimony, shall deliver such affidavit to the churchwarden or chapelwarden of the church or chapel in which such banns shall be published, and the same shall be deposited by such churchwarden or chapelwarden in a chest to be provided for that purpose, and kept in the church or chapel in which such banns shall be published.

After solemnization under banns, proof of affidavit made not necessary.

XIX. Provided always, and be it further enacted, that after the solemnization of any marriage under a publication of banns, it shall not be necessary in support of such marriage, to give any proof of any such affidavit, nor shall any evidence be received to prove that such affidavit was not made and delivered as required by this act, in any suit touching the validity of such marriage; nor shall such marriage be avoided for want of or by reason of any defect in any such affidavit, or on account of the true name or names of either party not being used in the publication of such banns, or for such name or names not having been affixed as aforesaid; but it shall be lawful in support of such marriage to give evidence, that the persons who were actually married by the names specified in such publication of banns were so married, and such marriage shall be deemed good and valid to all intents and purposes, notwithstanding false names or a false name, assumed by both or either of the said parties in the publication of such banns, or at the time of the solemnization of such marriage.

False names, &c. not to invalidate.

In what case republication of banns necessary.

XX. And be it further enacted, that whenever a marriage shall not be had within three months after the complete publication of banns, no minister shall proceed to the solemnization of the same until the banns shall have been republished on three several *Sundays*, in the form and manner prescribed in this act and in the said recited act of the twenty-sixth of *George* the second, or by licence duly obtained according to the provisions of this act.

XXI. And be it further enacted, that all and every the clauses and provisions in this act, touching the publication of banns of matrimony and touching marriages solemnized by such banns, shall commence and have effect on and after the first day of *September* one thousand eight hundred and twenty-two and not before.

XXII. And be it also enacted, that whenever a marriage shall not be had within three months after the grant of a licence by any archbishop, bishop or any ordinary or person having authority to grant such licence, no minister shall proceed to the solemnization of marriage until a new licence shall have been obtained, or by banns duly published according to the provisions of this act.

XXIII. Provided always, that nothing in this act contained shall extend to the marriage of any of the royal family.

XXIV. Provided likewise, that nothing in this act contained shall extend to any marriages amongst the people called *Quakers*, or amongst the people professing the *jewish* religion, where both the parties to any such marriage shall be of the people called *Quakers* or persons professing the *jewish* religion respectively, nor to any marriages solemnized beyond the seas.

XXV. And be it further enacted, that this act shall be publicly read in all churches and public chapels, by the parson, vicar, minister or curate of the respective parishes or chapelries, on some *Sunday* immediately after morning prayer or immediately after evening prayer, if there shall be no morning service on that day, in each of the months of *October*, *November* and *December*, in the year of our Lord one thousand eight hundred and twenty-two; and at the same times on three several *Sundays* in the year one thousand eight hundred and twenty-three, that is to say, the *Sundays* next before the twenty-fifth day of *March*, twenty-fourth day of *June* and twenty-ninth day of *September*.

XXVI. And be it further enacted, that this act shall extend only to that part of the kingdom called *England*.

4 GEORGE 4, CAP. 5.—*An act to render valid certain marriages.*—Whereas by an act passed in the third year of the reign of his present majesty king *George* the fourth, intituled *an act to amend certain provisions of the twenty-sixth of George the second, for the better preventing of clandestine marriages*, it is amongst other things enacted, that no person shall, from and after the passing of this act, be deemed authorized by law to grant any licence for the solemnization of any marriage, except the archbishops of *Canterbury* and *York*, according to the rights now vested in them, and except the several other bishops within their respective dioceses, for the marriage of persons, one of whom shall be resident at the time within the diocese of the bishop in whose name such licence shall be granted: and whereas, notwithstanding such enactment, divers licences for marriage have, through error, been granted since the passing of the said act by or in the name of bodies corporate or persons, their officers or surrogates, other than the said archbishops and bishops, which bodies corporate or persons, their officers or surrogates, before the passing of the said act, were or were deemed to be authorized by law to grant such licences; and divers persons have been married by virtue or in consequence of licences so granted, the validity of

Marriages solemnized by virtue of licences duly granted after passing of recited act, and before the passing of this act, declared valid.

which marriages is affected by the enactment aforesaid: and whereas it is expedient to remedy the same: be it enacted by the king's most excellent majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every marriages and marriage solemnized by virtue or in consequence of a licence granted after the passing of the said act of the third year of his present majesty, and before the passing of this act, by or in the name of a body corporate or person, his or their officer or surrogate, other than the archbishops of *Canterbury* and *York*, according to the rights vested in them respectively, or the several other bishops within their respective dioceses, which body corporate or person, his or their officers and surrogates, before the passing of the said act, were or were deemed to be authorized by law to grant such licences, shall be as good and valid marriages to all intents and purposes whatsoever, as the same would have been if the said enactment restraining the power and authority of granting such licences had not been made.

Persons granting such licences not liable to penalties.

II. And be it further enacted, that such bodies corporate and persons as aforesaid, their officers and surrogates, who have granted such licences as aforesaid since the passing of the said act, and their officers and others concerned therein, and such ministers as have acted under the authority of the same, shall not be or be held to be liable to any pains or penalties, or censures respectively, for or on account of the granting or acting under the same.

3 G. 4, c. 75, s. 8—26, repealed.

4 GEORGE 4, CAP. 17.—*An act to repeal certain provisions of an act passed in the third year of his present majesty, intituled an act to amend certain provisions of the twenty-sixth of George the second, for the better preventing of clandestine marriages.*—Whereas by an act passed in the third year of his present majesty, intituled, *an act to amend certain provisions of the twenty-sixth of George the second, for the better preventing of clandestine marriages*, it is amongst other things enacted, that no licence for any marriage shall, from and after the first day of *September* in the year of our Lord one thousand eight hundred and twenty-two, be granted by any person having authority to grant the same, until oath shall have been made by the persons and to the effect required by the said act: and whereas inconveniences have been found to arise from such provision, and from certain other provisions of the said act contained in that part of the said act which is subsequent to such hereinbefore recited provision: and whereas it is expedient to repeal such provisions, and to the intent that, until it shall be otherwise provided by parliament, marriages, whether solemnized by licence or after publication of banns, may, save as is hereinafter provided, be regulated by the provisions of an act passed in the twenty-sixth year of the reign of his late majesty king *George the second*, intituled *an act for the better preventing of clandestine marriages*, as before the passing of the said act of the third year of his present majesty: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, the hereinbefore recited provision of the said act,

26 G. 2, c. 33.

Licences may be granted, and banns

and all and every the enactments and provisions contained in that part of the said act which is subsequent to such hereinbefore recited provision, shall be and the same are hereby repealed; and that licences shall and may be granted by the same persons, and in the same manner and form, and in the case of minors with the same consent, and banns be published in the same manner and form, as licences and banns were respectively regulated by the provisions of the said recited act of his late majesty king *George* the second.

published,
as under
26 G. 2, c. 33.

II. And whereas it may happen that, after the passing of this act, marriages may be solemnized according to the provisions of the said recited act of his present majesty: be it therefore enacted, that all marriages which have been or shall be solemnized under licences granted or banns published conformably to the provisions of the said recited act of his present majesty, shall be good and valid: provided always, that no marriage solemnized under any licence granted in the form and manner prescribed by either of the said recited acts, shall be deemed invalid on account of want of consent of any parent or guardian.

Marriages
under li-
cences or
banns con-
formably to
3 G. 4, c. 75,
valid, &c.

III. And be it further enacted, that a printed copy of this act shall, as soon as conveniently may be after the passing thereof, be provided by his majesty's printer, and transmitted to the officiating ministers of the several parishes and chapelries in *England* respectively.

Copies of act
transmitted
to officiating
ministers.

IV. And be it further enacted, that this act may be altered, amended or repealed by any act or acts to be passed in this present session of parliament.

Act may be
altered, &c.
this session.

4 GEORGE 4, CAP. 76.—*An act for amending the laws respecting the solemnization of marriages in England.*—Whereas it is expedient to amend the laws respecting the solemnization of marriages in *England*; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *November* next ensuing the passing of this act, so much of an act passed in the twenty-sixth year of the reign of king *George* the second, intituled *an act for the better preventing of clandestine marriages*, as was in force immediately before the passing of this act; and also an act passed in the present session of parliament, intituled *an act to repeal certain provisions of an act passed in the third year of his present majesty, intituled an act to amend certain provisions of the twenty-sixth of George the second, for the better preventing of clandestine marriages*; shall be and the same are hereby repealed; save and except as to any acts, matters or things done under the provisions of the said recited acts, or either of them, before the said first day of *November*, as to which the said recited acts shall respectively be of the same force and effect as if this act had not been made; save also and except so far as the said recited acts, or either of them, repeal any former act, or any clause, matter or thing therein contained.

26 G. 2, c. 33.

4 G. 4, c. 17.

repealed.
Exceptions.

II. And be it further enacted, that from and after the first day of *November* all banns of matrimony shall be published in an audible manner in the parish church, or in some public chapel, in which chapel banns of matrimony may now or may hereafter be lawfully published, of or belonging to such parish or chapelry wherein the

Banns,
where, when
and how
published,
and marriage
to be solemn-
ized where

banns published.

persons to be married shall dwell, according to the form of words prescribed by the rubric prefixed to the office of matrimony in the book of common prayer, upon three *Sundays* preceding the solemnization of marriage, during the time of morning service, or of evening service, (if there shall be no morning service in such church or chapel upon the *Sunday* upon which such banns shall be so published), immediately after the second lesson; and whenever it shall happen that the persons to be married shall dwell in divers parishes or chapelries, the banns shall in like manner be published in the church or in any such chapel as aforesaid belonging to such parish or chapelry wherein each of the said persons shall dwell; and that all other the rules prescribed by the said rubric concerning the publication of banns and the solemnization of matrimony, and not hereby altered, shall be duly observed; and that in all cases where banns shall have been published, the marriage shall be solemnized in one of the parish churches or chapels where such banns shall have been published, and in no other place whatsoever.

Bishop, with consent of patron and incumbent, may authorize publication of banns in any public chapel.

III. And be it further enacted, that the bishop of the diocese, with the consent of the patron and the incumbent of the church of the parish in which any public chapel, having a chapelry thereunto annexed, may be situated, or of any chapel situated in an extra-parochial place, signified to him under their hands and seals respectively, may authorize, by writing under his hand and seal, the publication of banns and the solemnization of marriages in such chapel for persons residing within such chapelry or extra-parochial place respectively; and such consent, together with such written authority, shall be registered in the registry of the diocese.

Notice to be placed in such chapel.

IV. Provided always, and be it enacted, that in every chapel in respect of which such authority shall be given as aforesaid, there shall be placed in some conspicuous part of the interior of such chapel a notice in the words following: "Banns may be published and marriages solemnized in this chapel."

Provisions relative to marriage registers extended to chapels so authorized as aforesaid.

V. Provided always, and be it further enacted, that all provisions now in force, or which may hereafter be established by law, relative to providing and keeping marriage registers in any parish churches, shall extend and be construed to extend to any chapel in which the publication of banns and solemnization of marriages shall be so authorized as aforesaid, in the same manner as if the same were a parish church; and every thing required by law to be done relative thereto by the churchwardens of any parish church shall be done by the chapelwarden or other officer exercising analogous duties in such chapel.

Book to be provided for the registration of banns, &c.

VI. And be it further enacted, that on or before the said first day of *November*, and from time to time afterwards as there shall be occasion, the churchwardens and chapelwardens of churches and chapels wherein marriages are solemnized, shall provide a proper book of substantial paper, marked and ruled respectively in manner directed for the register book of marriages; and the banns shall be published from the said register book of banns by the officiating minister, and not from loose papers, and after publication shall be signed by the officiating minister, or by some person under his direction.

VII. Provided always, and it is hereby further enacted, that no parson, vicar, minister or curate shall be obliged to publish the banns of matrimony between any persons whatsoever, unless the persons to be married shall, seven days at the least before the time required for the first publication of such banns respectively, deliver or cause to be delivered to such parson, vicar, minister or curate, a notice in writing, dated on the day on which the same shall be so delivered, of their true christian names and surnames, and of the house or houses of their respective abodes within such parish or chapelry as aforesaid, and of the time during which they have dwelt, inhabited or lodged in such house or houses respectively.

Notice of names and place and time of abode of parties to be given to minister.

VIII. Provided always, and be it enacted by the authority aforesaid, that no parson, minister, vicar or curate, solemnizing marriages after the first day of *November* next, between persons both or one of whom shall be under the age of twenty-one years, after banns published, shall be punishable by ecclesiastical censures for solemnizing such marriages without consent of parents or guardians, unless such parson, minister, vicar or curate shall have notice of the dissent of such parents or guardians; and in case such parents or guardians, or one of them, shall openly and publicly declare or cause to be declared, in the church or chapel where the banns shall be so published, at the time of such publication, his, her or their dissent to such marriage, such publication of banns shall be absolutely void.

How far ministers not punishable for marrying minors without consent; in what case publication of banns void

IX. And be it further enacted, that whenever a marriage shall not be had within three months after the complete publication of banns, no minister shall proceed to the solemnization of the same until the banns shall have been republished on three several *Sundays*, in the form and manner prescribed in this act, unless by licence duly obtained according to the provisions of this act.

In what case republication of banns necessary,

X. And it is hereby further enacted, that no licence of marriage shall, from and after the said first day of *November*, be granted by any archbishop, bishop, or other ordinary or person having authority to grant such licences, to solemnize any marriage in any other church or chapel than in the parish church or in some public chapel of or belonging to the parish or chapelry within which the usual place of abode of one of the persons to be married shall have been for the space of fifteen days immediately before the granting of such licence.

Licences to marry in church, &c. of parish wherein one party resided for fifteen days before.

XI. And be it further enacted, that if any caveat be entered against the grant of any licence for a marriage, such caveat being duly signed by or on behalf of the person who enters the same, together with his place of residence and the ground of objection on which his caveat is founded, no licence shall issue till the said caveat, or a true copy thereof, be transmitted to the judge out of whose office the licence is to issue, and until the judge has certified to the register that he has examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the caveat be withdrawn by the party who entered the same.

Where caveat entered no licence to issue till matter examined by judge.

XII. Provided always, and be it further enacted, that all parishes where there shall be no parish church or chapel belonging thereto, or none wherein divine service shall be usually solemnized every *Sunday*, and all extra-parochial places whatever, having no public

Parishes, where no church or chapel, and extra-parochial places,

deemed to belong to any adjoining parish, &c.

Where churches are demolished or under repair banns to be proclaimed in a church or chapel of an adjoining parish, &c.

Proviso for former marriages so solemnized.

Oath to be taken before the surrogate as to certain particulars before licence is granted.

Bond not to be required before granting licence.

chapel wherein banns may be lawfully published, shall be deemed and taken to belong to any parish or chapelry next adjoining, for the purposes of this act only; and where banns shall be published in any church or chapel of any parish or chapelry adjoining to any such parish or chapelry where there shall be no church or chapel, or none wherein divine service shall be solemnized as aforesaid, or to any extra-parochial place as aforesaid, the parson, vicar, minister or curate publishing such banns shall, in writing under his hand, certify the publication thereof in the same manner as if either of the persons to be married had dwelt in such adjoining parish or chapelry.

XIII. Provided always, and be it further enacted and declared, that if the church of any parish, or chapel of any chapelry, wherein marriages have been usually solemnized, be demolished in order to be rebuilt, or be under repair, and on such account be disused for public service, it shall be lawful for the banns to be proclaimed in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, or in any place within the limits of the parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of the church as aforesaid; and where no such place shall be so licensed, then, during such period as aforesaid, the marriage may be solemnized in the adjoining church or chapel wherein the banns have been proclaimed; and all marriages heretofore solemnized in other places within the said parishes or chapelries than the said churches or chapels, on account of their being under repair, or taken down in order to be rebuilt, shall not be liable to have their validity questioned on that account, nor shall the ministers who have so solemnized the same be liable to any ecclesiastical censure, or to any other proceeding or penalty whatsoever.

XIV. And be it further enacted, for avoiding all fraud and collusion in obtaining of licences for marriage, that before any such licence be granted, one of the parties shall personally swear before the surrogate or other person having authority to grant the same, that he or she believeth that there is no impediment of kindred or alliance, or of any other lawful cause, nor any suit commenced in any ecclesiastical court, to bar or hinder the proceeding of the said matrimony according to the tenor of the said licence; and that one of the said parties hath, for the space of fifteen days immediately preceding such licence, had his or her usual place of abode within the parish or chapelry within which such marriage is to be solemnized; and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required under the provisions of this act has been obtained thereto: provided always, that if there shall be no such person or persons having authority to give such consent, then upon oath made to that effect by the party requiring such licence, it shall be lawful to grant such licence notwithstanding the want of any such consent.

XV. Provided always, and be it further enacted, that it shall not be required of any person applying for any such licence, to give any caution or security, by bond or otherwise, before such licence is granted; any thing in any act or canon to the contrary thereof notwithstanding.

XVI. And be it further enacted, that the father, if living, of any party under twenty-one years of age, such parties not being a widower or widow; or if the father shall be dead, the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no such guardian or guardians, then the mother of such party, if unmarried; and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the court of chancery, if any, or one of them, shall have authority to give consent to the marriage of such party; and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorized to give such consent.

Who are to give consent if parties are under age.

XVII. And be it further enacted, that in case the father or fathers of the parties to be married, or of one of them, so under age as aforesaid, shall be *non compos mentis*, or the guardian or guardians, mother or mothers, or any of them whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying, in any of the before mentioned cases, to apply by petition to the lord chancellor, lord keeper or the lords commissioners of the great seal of *Great Britain* for the time being, master of the rolls or vice chancellor of *England*, who is and are respectively hereby empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to be proper, the said lord chancellor, lord keeper or lords commissioners of the great seal for the time being, master of the rolls or vice chancellor, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual, to all intents and purposes, as if the father, guardian or guardians, or mother of the person so petitioning had consented to such marriage.

If the father of minor be non compos mentis, or if guardians or mother of minor be non compos mentis, or beyond sea, &c. parties may apply to the lord chancellor.

XVIII. Provided always, and be it enacted, that from and after the said first day of *November* no surrogate hereafter to be deputed by any ecclesiastical judge who hath power to grant licences, shall grant any such licence until he hath taken an oath before the said judge, or before a commissioner appointed by commission under the seal of the said judge, which commission the said judge is hereby authorized to issue, faithfully to execute his office according to law, to the best of his knowledge, and hath given security by his bond in the sum of one hundred pounds to the bishop of the diocese for the due and faithful execution of his said office.

Surrogate to take oath of office.

XIX. And be it also enacted, that whenever a marriage shall not be had within three months after the grant of a licence by any archbishop, bishop, or any ordinary or person having authority to grant such licence, no minister shall proceed to the solemnization of such marriage until a new licence shall have been obtained, unless by banns duly published according to the provisions of this act.

In what case new licence to be obtained.

XX. Provided always, and be it further enacted, that nothing hereinbefore contained shall be construed to extend to deprive the archbishop of *Canterbury* and his successors, and his and their proper

Right of archbishop of Canterbury to grant

special
licences,
as under
25 H. 8, c. 21.

Persons
unduly
solemnizing
marriage in
the manner
herein men-
tioned.

Transporta-
tion.

Limitation of
prosecution.

Marriage
void where
persons wil-
fully marry
in any other
place than a
church, &c.

When mar-
riage solemn-
ized be-
tween parties
under age
contrary to
this act, by
false oath or
fraud, the
guilty party
to forfeit all
property ac-
cruing from
the marriage.

officers, of the right which hath hitherto been used, in virtue of a certain statute made in the twenty-fifth year of the reign of the late king *Henry* the eighth, intituled *an act concerning Peter pence and dispensations*, of granting special licences to marry at any convenient time or place.

XXI. And be it further enacted, that if any person shall, from and after the said first day of *November*, solemnize matrimony in any other place than a church or such public chapel wherein banns may be lawfully published, or at any other time than between the hours of eight and twelve in the forenoon, unless by special licence from the archbishop of *Canterbury*, or shall solemnize matrimony without due publication of banns, unless licence of marriage be first had and obtained from some person or persons having authority to grant the same; or if any person, falsely pretending to be in holy orders, shall solemnize matrimony according to the rites of the church of *England*; every person knowingly and wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of felony, and shall be transported for the space of fourteen years, according to the laws in force for transportation of felons: provided that all prosecutions for such felony shall be commenced within the space of three years after the offence committed.

XXII. Provided always, and be it further enacted, that if any persons shall knowingly and wilfully intermarry in any other place than a church, or such public chapel wherein banns may be lawfully published, unless by special licence as aforesaid, or shall knowingly and wilfully intermarry without due publication of banns, or licence from a person or persons having authority to grant the same, first had and obtained, or shall knowingly and wilfully consent to or acquiesce in the solemnization of such marriage by any person not being in holy orders, the marriages of such persons shall be null and void to all intents and purposes whatsoever.

XXIII. And be it further enacted, that if any valid marriage solemnized by licence shall, after the said first day of *November* next, be procured by a party to such marriage to be solemnized between persons, one or both of whom shall be under the age of twenty-one years, not being a widower or widow, contrary to the provisions of this act, by means of such party falsely swearing as to any matter or matters to which such party is hereinbefore required personally to swear, such party wilfully and knowingly so swearing; or if any valid marriage by banns shall, after the said first day of *November* next, be procured by a party thereto to be solemnized by banns between persons, one or both of whom shall be under the age of twenty-one years, not being a widower or widow, such party knowing that such person as aforesaid under the age of twenty-one years had a parent or guardian then living, and that such marriage was had without the consent of such parent or guardian, and knowing that banns had not been duly published according to the provisions of this act, and having knowingly caused or procured the undue publication of banns, then and in every such case it shall be lawful for his majesty's attorney general (or for his majesty's solicitor general in case of the vacancy of the office of attorney general) by information in the nature of an *English* bill in the court of chancery

or court of exchequer, at the relation of a parent or guardian of the minor, whose consent has not been given to such marriage, and who shall be responsible for any costs incurred in such suit, such parent or guardian previously making oath as is hereinafter required, to sue for a forfeiture of all estate, right, title and interest in any property which hath accrued or shall accrue to the party so offending by force of such marriage; and such court shall have power in such suit to declare such forfeiture, and thereupon to order and direct that all such estate, right, title and interest in any property as shall then have accrued, or shall thereafter accrue to such offending party, by force of such marriage, shall be secured under the direction of such court for the benefit of the innocent party, or of the issue of the marriage, or of any of them, in such manner as the said court shall think fit, for the purpose of preventing the offending party from deriving any interest in real or personal estate, or pecuniary benefits from such marriage; and if both the parties so contracting marriage shall, in the judgment of the court, be guilty of any such offence as aforesaid, it shall be lawful for the said court to settle and secure such property, or any part thereof, immediately for the benefit of the issue of the marriage, subject to such provisions for the offending parties, by way of maintenance or otherwise, as the said court, under the particular circumstances of the case, shall think reasonable, regard being had to the benefit of the issue of the marriage during the lives of their parents, and of the issue of the parties respectively by any future marriage, or of the parties themselves, in case either of them shall survive the other; provided also, that no such information as aforesaid shall be filed, unless it shall be made out to the satisfaction of the attorney or solicitor general before he files the same, by oath or oaths sworn before one of the masters in ordinary in chancery, or before one of the barons of the exchequer, and which they are hereby respectively empowered to administer, that the valid marriage to be complained of in such information hath been solemnized in such manner and under such circumstances, as in the judgment of the said attorney or solicitor general are sufficient to authorize the filing the information under the provisions of this act, and that such marriage has been solemnized without the consent of the party or parties at whose relation such information is proposed to be filed, or of any other parent or guardian of the minor married, to the knowledge or belief of the relator or relators so making oath; and that such relator or relators had not known or discovered that such marriage had been solemnized more than three months previous to his or their application to the attorney or solicitor general.

Suit by information in chancery or exchequer.

Order of court thereon.

Before information filed, the case to be made out to attorney general or solicitor general on oath.

XXIV. And be it further enacted by the authority aforesaid, that all agreements, settlements and deeds, entered into or executed by the parties to any marriage, in consequence of or in relation to which marriage such information as aforesaid shall be filed, or by either of the said parties, before and in contemplation of such marriage, or after such marriage, for the benefit of the parties or either of them, or their issue, so far as the same shall be contrary to or inconsistent with the provisions of such security and settlement as shall be made by or under the direction of such court as aforesaid, under the authority of this act, shall be absolutely void, and have no force or effect.

Agreements, settlements, &c. previous to such marriages void.

Information
to be filed
within one
year.

Proceedings
where par-
ties abscond
or are abroad

Proviso for
death of re-
lator.

Proof of
actual resi-
dence of par-
ties not ne-
cessary to
validity of
marriage,
whether
after banns
or by licence.

Marriage
not compel-
led by reason
of contract.

Marriages to
be in the pre-
sence of two
witnesses,
and to be re-
gistered:

XXV. Provided always, and be it further enacted, that any original information to be filed for the purpose of obtaining a declaration of any such forfeiture as aforesaid, shall be filed within one year after the solemnization of the marriage by which such forfeiture shall have been incurred, and shall be prosecuted with due diligence; and in case any person or necessary party to any such information shall abscond, or be or continue out of *England*, it shall be lawful for the court in which such information shall be filed to order such person to appear to such information, and answer the same, within such time as to such court shall seem fit; and to cause such order to be served on such person at any place out of *England*, or to cause such order to be inserted in the *London Gazette*, and such other *British* or *Foreign* newspapers as to such court shall seem proper; and in default of such person appearing and answering such information within the time to be limited as aforesaid, to order such information to be taken as confessed by such person, and to proceed to make such decree or order upon such information as such court might have made if such person had appeared to and answered such information: provided always, that in case the person at whose relation any such suit shall have been instituted shall die pending such suit, it shall be lawful for the court of chancery, if such court shall see fit, to appoint a proper person or proper persons, at whose relation such suit may be continued.

XXVI. Provided always, and be it further enacted, that after the solemnization of any marriage under a publication of banns, it shall not be necessary in support of such marriage, to give any proof of the actual dwelling of the parties in the respective parishes or chapelries wherein the banns of matrimony were published; or where the marriage is by licence, it shall not be necessary to give any proof that the usual place of abode of one of the parties, for the space of fifteen days as aforesaid, was in the parish or chapelry where the marriage was solemnized; nor shall any evidence in either of the said cases be received to prove the contrary in any suit touching the validity of such marriage.

XXVII. And be it further enacted, that in no case whatsoever shall any suit or proceedings be had in any ecclesiastical court, in order to compel a celebration of any marriage *in facie ecclesiæ*, by reason of any contract of matrimony whatsoever, whether *per verba de presenti*, or *per verba de futuro*, any law or usage to the contrary notwithstanding.

XXVIII. And in order to preserve the evidence of marriages, and to make the proof thereof more certain and easy, and for the direction of ministers in the celebration of marriages and registering thereof, be it enacted, that from and after the said first day of *November* all marriages shall be solemnized in the presence of two or more credible witnesses, besides the minister who shall celebrate the same; and that immediately after the celebration of every marriage, an entry thereof shall be made in the register book provided and kept for that purpose as by law is now directed, or as shall be hereafter directed; in which entry or register it shall be expressed, that the said marriage was celebrated by banns or licence, and if both or either of the parties married by licence, be under age, not being a widower or

A. B. of { the } parish and *C. D.* of { the } parish ^{Form.}
 { this }
 were married in this { church } by { banns }
 { chapel } { licence }
 with consent of { parents } this day of
 { guardians }
 in the year

by me *J. J.* { Rector.
Vicar.
Curate.

This marriage was solemnized between us $\left\{ \begin{array}{l} A. B. \\ C. D. \end{array} \right.$

In the presence of $\left\{ \begin{array}{l} E. F. \\ G. H. \end{array} \right.$

XXX. Provided always, and be it enacted, that this act, or any thing therein contained, shall not extend to the marriages of any of the royal family.

XXXI. Provided likewise, and be it further enacted, that nothing in this act contained shall extend to any marriages amongst the people called *Quakers*, or amongst the persons professing the *jewish* religion, where both the parties to any such marriage shall be of the people called *Quakers*, or persons professing the *jewish* religion respectively.

Two printed
copies of act
sent to mi-
nisters.

XXXII. And be it further enacted, that two printed copies of this act shall, as soon as conveniently may be after the passing of this act, be provided by his majesty's printer, and transmitted to the officiating ministers of the several parishes and chapelries in *England* respectively; one of which copies shall be deposited and kept with the book containing the marriage register of such parish or chapelry, in the chest or box provided for the custody of the same.

Act only to
extend to
England.

XXXIII. And be it further enacted, that this act shall extend only to that part of the united kingdom called *England*.

5 GEORGE 4, CAP. 32.—*An act to amend an act passed in the last session of parliament, intituled an act for amending the laws respecting the solemnization of marriages in England.*—Whereas by an act passed in the fourth year of the reign of his present majesty, intituled *an act for amending the laws respecting the solemnization of marriages in England*, it is provided, that if the church of any parish, or chapel of any chapelry, wherein marriages have been usually solemnized, be demolished in order to be rebuilt, or be under repair, and on such account be disused for public service, it shall be lawful for the banns to be proclaimed in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, or in any place within the limits of the parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of the church as aforesaid; but it is not provided that marriages may be solemnized in such place so licensed: and whereas it is farther provided, that where no such place shall be so licensed, then during such period as aforesaid the marriage may be solemnized in the adjoining church or chapel wherein the banns have been proclaimed; but it is not provided that marriages may be solemnized by licence in such adjoining church or chapel as aforesaid: and whereas it is provided, that all marriages theretofore, but it is not provided that marriages thereafter solemnized in other places within the said parishes or chapelries than the said churches or chapels, on account of their being under repair, or taken down in order to be rebuilt, shall not be liable to have their validity questioned on that account: and whereas it is provided, that the ministers who have so solemnized the same shall not be liable to any ecclesiastical censure, or to any other proceeding or penalty whatsoever; but it is not provided that the ministers who shall thereafter solemnize such marriages shall not be liable to such censure or other proceeding or penalty: and whereas it is expedient that marriages heretofore and hereafter solemnized in such place so licensed as aforesaid, during the repair or rebuilding of any church or chapel, or if no such place shall be so licensed then in a church or chapel of some adjoining parish or chapelry, whether by banns lawfully proclaimed, or by licence lawfully granted, should not have their validity questioned on account of their being so solemnized: and whereas it is expedient that the ministers who shall have so solemnized the same should not be liable to any ecclesiastical censure, or to any other proceeding whatsoever: therefore be it enacted, and it is hereby enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the

4 G. 4, c. 76.

Sec. 13.

authority of the same, that from and after the passing of this act, all marriages which have been heretofore solemnized or which shall be hereafter solemnized in any place within the limits of such parish or chapelry so licensed as aforesaid for the performance of divine service during the repair or rebuilding of the church of any parish, or chapel of any chapelry, wherein marriages have been usually solemnized, or if no so such place shall be so licensed, then in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, whether by banns lawfully published in such church or chapel, or by licence lawfully granted, shall not have their validity questioned on account of their having been so solemnized; nor shall the ministers who have so solemnized the same be liable to any ecclesiastical censure, or to any other proceeding whatsoever.

Proviso for marriages where churches, &c. under repair, &c.

No ecclesiastical censure

II. And be it further enacted, that all licences granted by any archbishop, bishop or other ordinary or person having authority to grant such licences for the solemnization of marriages in the church of any parish or chapel of any chapelry wherein marriages have been usually solemnized, shall be deemed and taken to be licences for the solemnization of marriages in any place within the limits of such parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of any such church or chapel, or if no such place shall be so licensed, then in the church or chapel of any adjoining parish or chapelry wherein marriages have been usually solemnized.

Licences for marriages in churches, &c. extended to places herein mentioned, while church &c. under repair, &c.

III. And be it further enacted, that all banns of marriage proclaimed, and all marriages solemnized according to the provisions of this act, in any place licensed as aforesaid, within the limits of any parish or chapelry, during the repair or rebuilding of the church or chapel of such parish or chapelry, shall be considered as proclaimed and solemnized in the church or chapel of such parish or chapelry, and shall be so registered accordingly.

Proviso for banns proclaimed and marriages solemnized in such licensed places.

6 GEORGE 4, CAP. 92.—*An act to render valid marriages solemnized in certain churches and public chapels in which banns have not usually been published.*—Whereas since the making of an act passed in the twenty-sixth year of the reign of his late majesty king George the second, intituled *an act for the better preventing clandestine marriages*, and since the making of an act passed in the forty-fourth year of the reign of his late majesty king George the third, intituled *an act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published, before or at the time of passing an act made in the twenty-sixth year of the reign of his late majesty king George the second, intituled an act for better preventing clandestine marriages*, divers churches and chapels have been erected and built within that part of Great Britain called England, Wales and the town of Berwick-upon-Tweed, which have been duly consecrated, and divers marriages have been solemnized therein since the passing of the said last mentioned act; but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first mentioned act, nor any authority obtained for solemnizing marriages therein under the provisions of an act passed in the fourth year of the reign of his present majesty king George the fourth, intituled

26 G. 2, c. 33.

44 G. 3, c. 77

4 G. 4, c. 76.

an act for amending the laws respecting the solemnization of marriages in England, such marriages have been or may be deemed to be void: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages already solemnized in any church or public chapel in that part of *Great Britain* called *England* and *Wales*, and the town of *Berwick-upon-Tweed*, erected since the making of the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, and consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches or public chapels having chapelries annexed, and wherein banns had usually been published, before or at the time of passing the said first mentioned act.

In what case marriages herein mentioned good in law.

Marriages in future solemnized in such churches, &c. valid.

Registers of such marriages evidence.

Proviso as to evidence.

Registers of marriages solemnized in chapels where banns had not been usually published before 26 G. 2, to be removed to parish church.

II. And be it further enacted, that it shall and may be lawful for marriages to be in future solemnized in all churches and chapels erected since the passing of the said act in the twenty-sixth year of the reign of his late majesty king *George* the second, and consecrated, in which churches and chapels it has been customary and usual before the passing of this act to solemnize marriages; and all marriages hereinafter solemnized therein shall be as good and valid in law as if such marriages had been solemnized in parish churches or public chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said act.

III. And be it further enacted by the authority aforesaid, that the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof, shall be received in all courts of law and equity as evidence of such marriages, in the same manner as the registers of marriages solemnized in parish churches or public chapels in which banns were usually published before or at the time of passing the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, or copies thereof, are received in evidence: provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies as evidence, as would have been available to receiving the same as evidence if such registers or copies had related to marriages solemnized in such last mentioned parish churches or public chapels as aforesaid.

IV. And be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any such public chapel where banns had not been usually published before or at the time of passing the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second, which marriages are hereby enacted to be valid in law, shall, within three months after the passing of this act, be removed to the parish church of the parish in which such chapel shall be situated; and in case such chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said act of the twenty-sixth year of the reign of his said late majesty king *George* the second.

11 GEORGE 4, CAP. 18.—*An act to render valid marriages solemnized in certain churches and chapels.*—Whereas, by an act passed in the fourth year of the reign of his present majesty, intituled *an act for amending the laws respecting the solemnization of marriages in England*, it is provided that if the church of any parish, or chapel of any chapelry, wherein marriages have been usually solemnized, be demolished in order to be rebuilt, or be under repair, and on such account be disused for public service, it shall be lawful for the banns to be proclaimed in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, or in any place within the limits of the parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of the church as aforesaid: and whereas by an act passed in the fifth year of the reign of his present majesty, intituled *an act to amend an act passed in the last session of parliament, intituled an act for amending the laws respecting the solemnization of marriages in England*, it was enacted, that all marriages which had been theretofore solemnized, or which should be thereafter solemnized, in any place within the limits of such parish or chapelry so licensed as aforesaid for the performance of divine service during the repair or rebuilding of the church of any parish, or chapel of any chapelry, wherein marriages had been usually solemnized, or if no such place should be so licensed, then in a church or chapel of any adjoining parish or chapelry in which banns were usually proclaimed, whether by banns lawfully published in such church or chapel, or by licence lawfully granted, should not have their validity questioned on account of their having been so solemnized, nor should the ministers who had so solemnized the same be liable to any ecclesiastical censure or to any other proceeding whatsoever: and whereas the ministers of certain parish churches and chapels of chapelries have, during the repair or rebuilding of such churches or chapels, published the banns of marriages in some places within the limits of their parishes or chapelries respectively wherein divine service has been usually performed during the time of such repair or rebuilding, but have solemnized the marriages themselves in the churches or chapels of the same or of some adjoining parishes or chapelries: and whereas other clergymen, during the time of such repair or rebuilding, have published banns of marriage and solemnized marriages in places duly licensed for the performance of divine worship, according to the forms of the united church of *England and Ireland*, within their respective parishes or chapelries, but not licensed specially for such performance during such time as aforesaid: and whereas it is expedient that the marriages so solemnized should not on that account have their validity questioned; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages, the banns whereof have been published in any place used for the performance of divine service within the limits of any parish or chapelry during the repairs or rebuilding of the church or chapel thereof, which marriages have been solemnized either in the said place so used or in the church or chapel of the same

The validity of marriages solemnized under the circumstances, herein mentioned not to be questioned.

or of some adjoining parish or chapelry during such repair or rebuilding, shall not have their validity questioned on account of having been so solemnized.

During the time that any church, &c. is under repair, the bishop may direct banns to be published in any consecrated chapel of the parish.

II. And be it further enacted, that in every case in which the church of any parish or place, in which banns of marriage may be published and marriages solemnized, shall be pulled down, or be rebuilding or under repair, it shall be lawful for the bishop of the diocese to order and direct that banns of marriage may be published and marriages solemnized in any consecrated chapel of such parish or place which he shall by order in writing direct, until the church shall again be opened for the performance of divine service; and during all such period the said consecrated chapel shall, for all purposes relating to the publication of banns of marriage and to the solemnization of marriages, be deemed and taken to be the church of the parish, any thing in any act or acts to the contrary notwithstanding; and the fees in respect thereof shall be applied, during such period, as the bishop of the diocese shall, with the consent of the incumbent, order and direct.

For removing doubts as to marriages solemnized in churches made and constituted under acts 58 G. 3, c. 45, and 59 G. 3, c. 134.

III. And whereas doubts have arisen touching the validity of marriages solemnized in churches which have been made and constituted the churches of distinct parishes, or district parishes, under the provisions of an act passed in the fifty-eighth year of his late majesty, intituled *an act for building and promoting the building of additional churches in populous parishes*; and also of an act passed in the fifty-ninth year of his late majesty, intituled *an act to amend and render more effectual an act passed in the last session of parliament, for building and promoting the building of additional churches in populous parishes*: and whereas it is expedient that such doubts should be removed; therefore be it enacted, that all marriages which have already been solemnized, or may hereafter be solemnized, in any church which shall have been made and constituted the church of a distinct parish, or of a district parish as aforesaid, after consecration thereof and assignment of a district thereto, shall be as good and valid in law as if such marriages had been solemnized in any parish church wherein banns had been usually published before or at the time of passing an act made in the twenty-sixth year of king *George the second*, intituled *an act for the better preventing of clandestine marriages*.

26 G. 2, c. 33.

The validity of marriages solemnized in certain chapels not to be questioned;

IV. And whereas, by error, banns have been published, and divers marriages have been solemnized, in chapels duly consecrated, but in which chapels banns cannot be legally published, nor marriages by law be solemnized; and it is expedient to remove all doubts arising from the circumstances aforesaid touching the due publication of such banns and the validity of such marriages; therefore be it enacted, that all banns already published, and all marriages already solemnized, in such chapels as aforesaid, shall not hereafter be questioned on account of the said banns having been published, or the said marriages solemnized, in a chapel not legally authorized for the publication of banns and the solemnization of marriages: provided always, that nothing herein contained shall extend or be construed to extend to authorize the publication of banns or the solemnization of marriages in such chapels hereafter.

V. And whereas divers marriages have taken place in chapels supposed to be consecrated, the consecration of which chapels, however, cannot be proved, and may be doubted: and whereas it is expedient that all apprehensions touching the validity of such marriages, on this account, should entirely be removed; be it therefore enacted, that the validity of such marriages shall not hereafter be questioned on account of the uncertainty respecting the consecration of such chapels.

nor marriages solemnized in chapels, the consecration of which may be doubted.

5 & 6 WILLIAM 4, CAP. 54.—*An act to render certain marriages valid, and to alter the law with respect to certain voidable marriages.*—

Whereas marriages between persons within the prohibited degrees are voidable only by sentence of the ecclesiastical court pronounced during the lifetime of both the parties thereto, and it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of affinity should remain unsettled during so long a period, and it is fitting that all marriages which may hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity should be *ipso facto* void, and not merely voidable: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages which shall have been celebrated before the passing of this act between persons being within the prohibited degrees of affinity shall not hereafter be annulled for that cause by any sentence of the ecclesiastical court, unless pronounced in a suit which shall be depending at the time of the passing of this act: provided that nothing hereinbefore enacted shall affect marriages between persons being within the prohibited degrees of consanguinity.

Marriages before the passing of this act of persons within the prohibited degrees not to be annulled.

II. And be it further enacted, that all marriages which shall hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity shall be absolutely null and void to all intents and purposes whatsoever.

Marriages within prohibited degrees void.

III. Provided always, and be it further enacted, that nothing in this act shall be construed to extend to that part of the united kingdom called *Scotland*.

Not to extend to Scotland.

IV. And be it enacted, that this act may be altered or repealed by any act or acts to be passed in this present session of parliament.

Act may be altered this session.

6 WILLIAM 4, CAP. 24.—*An act to render valid certain marriages solemnized in a chapel of ease, in the parish of Wandsworth in the county of Surrey, called Saint Ann's chapel.*—Whereas *Saint Ann's* chapel in the parish of *Wandsworth* in the county of *Surrey* and diocese of *Winchester* is a chapel of ease to the parish church of *Wandsworth* aforesaid, and hath been duly consecrated for the performance of divine service, but no authority hath ever been given by the bishop of the said diocese for the publication of banns and the solemnization of marriages in the said chapel: and whereas divers marriages have been solemnized in the said chapel by the officiating minister for the time being of the parish church of *Wandsworth* aforesaid, and by the officiating minister for the time being of the said chapel, and other clergymen, under the erroneous conception that according to the terms of the sentence of consecration of the

said chapel, or otherwise, marriages might be lawfully solemnized therein; and entries of the several marriages so solemnized as aforesaid have been from time to time made in the register book of the said parish, in compliance with the provisions of an act of parliament passed in the fourth year of the reign of king *George* the fourth, intituled *an act for amending the laws respecting the solemnization of marriages in England*, except that in each such entry it hath been expressly stated that the marriage was solemnized in the said chapel: and whereas it is expedient to remove all doubts arising from the circumstances aforesaid touching the validity of the marriages so solemnized in the said chapel as aforesaid: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages solemnized in the said chapel called *Saint Ann's* chapel by the officiating minister for the time being of the said parish church of *Wandsworth*, and by the officiating minister for the time being of the said chapel, or by any other clergymen respectively being ministers of the church of *England*, shall be as good and valid in the law to all intents and purposes whatsoever as if the same had been solemnized in the parish church of *Wandsworth* aforesaid.

Marriages already solemnized in *Saint Ann's* chapel, *Wandsworth* declared to be valid.

Ministers solemnizing such marriages, &c. not to be liable to penalties.

Registers to be evidence.

II. And be it further enacted, that the minister or ministers who solemnized such marriages respectively as aforesaid shall not be liable to any ecclesiastical censures, or to any other proceedings or penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same respectively.

III. And be it further enacted, that the registers of the marriages so solemnized as aforesaid, or copies of such registers, shall be received in all courts of law and equity as evidence of such marriages respectively, in the same manner as the same would have been receivable in evidence in case the said marriages respectively had been solemnized in the parish church of *Wandsworth* aforesaid, and the fact of the same marriages having been solemnized in the said parish church had been stated in the registers relating to such marriages respectively.

This act not to authorize future marriages in the chapel.

IV. Provided always, and be it further enacted, that nothing in this act contained shall extend to authorize the publication of banns or the solemnization of marriages in the said chapel hereafter.

After 1st of March 1837 all rules prescribed by the rubric to continue to be observed.

Marriages may be solemnized on production of registrar's certificate.

6 & 7 WILLIAM 4, CAP. 85.—*An act for marriages in England*.—Whereas it is expedient to amend the law of marriages in *England*: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the first day of *March* in the year one thousand eight hundred and thirty-seven, notwithstanding any thing in this act contained, all the rules prescribed by the rubric concerning the solemnizing of marriages shall continue to be duly observed by every person in holy orders of the church of *England* who shall solemnize any marriage in *England*: provided always, that where by any law or canon in force before the passing of this act it is provided that any marriage may be solemnized after publication of banns, such marriage may be solemnized in like manner on production of the

registrar's certificate as hereinafter provided; provided also, that nothing in this act contained shall affect the right of the archbishop of *Canterbury* and his successors, and his and their proper officers, to grant special licences to marry at any convenient time and place, or the right of any surrogate or other person now having authority to grant licences for marriages.

II. And be it enacted, that the society of friends commonly called *Quakers*, and also persons professing the *jewish* religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively; and every such marriage is hereby declared and confirmed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the *jewish* religion respectively, provided also, that notice to the registrar shall have been given, and the registrar's certificate shall have issued in manner hereinafter provided.

Marriages of
Quakers and
Jews.

III. And be it enacted, that the superintendent registrar of births and deaths of every union, parish, or place shall be, in right of his office, superintendent registrar of marriages within such union, parish, or place, and that such union, parish, or place shall be deemed the district of such superintendent registrar of marriages.

Superintend-
ent registrar
of births to be
superintend-
ent registrar
of marriages.

IV. And be it enacted, that in every case of marriage intended to be solemnized in *England* after the said first day of *March* according to the rites of the church of *England*, (unless by licence or by special licence, or after publication of banns), and in every case of marriage intended to be solemnized in *England* after the said first day of *March* according to the usages of the *Quakers* or *Jews*, or according to any form authorized by this act, one of the parties shall give notice under his or her hand, in the form of schedule (A.) to this act annexed, or to the like effect, to the superintendent registrar of the district within which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the districts of different superintendent registrars shall give the like notice to the superintendent registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized; provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Notice of
every intend-
ed marriage
to be given
to the super-
intendent
registrar of
the district.

V. And be it enacted, that the superintendent registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book to be for that purpose furnished to him by the registrar general, to be called "The marriage notice book," the cost of providing which shall be defrayed in like manner as the cost of providing register books of births and deaths; and the marriage notice book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and for every such entry the superintendent registrar shall be entitled to have a fee of one shilling.

Superintend-
ent registrar
to keep noti-
ces in a book.

Notices to be
read at meet-
ings of
guardians.

VI. And be it enacted, that if such superintendent registrar shall be clerk to the guardians of any poor law union, or of any parish or place comprising the district for which such superintendent registrar shall act, he shall read such notices as hereinafter directed; and if he shall not be such clerk then he shall transmit to such clerk, on the day previous to each weekly meeting of such guardians, all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this act that such notices shall be read at any meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered.

After seven
days or twen-
ty-one days,
certificate of
notice to be
given upon
demand.

VII. And be it enacted, that after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the entry of such notice, the superintendent registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of schedule (B.) to this act annexed, provided that no lawful impediment be shown to the satisfaction of the superintendent registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days (as the case may be), has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the superintendent registrar shall be entitled to have a fee of one shilling.

Forms of
certificates to
be furnished.

Certificates
for marriage
by licence to
be distin-
guishable
from other
certificates.

VIII. And be it enacted, that the registrar general shall furnish to every superintendent registrar a sufficient number of forms of certificates, the cost of which shall be accounted for by the superintendent registrar to the registrar general; and in order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a watermark in the form of the word "Licence," in roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence shall be written or printed; and every certificate to be issued for marriage by licence shall be printed with red ink, and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificate shall be used from time to time as shall seem fit to the registrar general.

IX. And be it enacted, that any person authorized in that behalf may forbid the issue of the superintendent registrar's certificate by writing at any time before the issue of such certificate the word "Forbidden" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden the notice and all proceedings thereupon shall be utterly void.

Issue of superintendent registrar's certificate may be forbidden.

X. And be it enacted, that after the said first day of *March* the like consent shall be required to any marriage in *England* solemnized by licence as would have been required by law to marriages solemnized by licence immediately before the passing of this act; and every person whose consent to a marriage by licence is required by law is hereby authorized to forbid the issue of the superintendent registrar's certificate, whether the marriage is intended to be by licence or without licence.

Consent.

XI. And be it enacted, that after the said first day of *March* every superintendent registrar shall have authority to grant licences for marriage in any building registered as hereinafter provided within any district under his superintendence or in his office, in the form of schedule (C.) to this act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of three pounds above the value of the stamps necessary on granting such licence; and every superintendent registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: provided always, that no superintendent registrar shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office: provided also, that nothing herein contained shall authorize any superintendent registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the church of *England*, or in any church or chapel belonging to the church of *England* or licensed for the celebration of divine worship according to the rites and ceremonies of the church of *England*, or any licence for marriage in any registered building which shall not be within his district.

Superintendent registrar may grant licences for marriage.

Superintendent registrar to give security.

Proviso.

XII. And be it enacted, that before any licence for marriage shall be granted by any such superintendent registrar one of the parties intending marriage shall appear personally before such superintendent registrar, and in case the notice of such intended marriage shall not have been given to such superintendent registrar, shall deliver to him the certificate of the superintendent registrar or superintendent registrars to whom such notice shall have been given, and such party shall make oath, or shall make his or her solemn affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day

Certificate to be given before the licence is granted.

of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be; and all such licences and declarations shall be respectively liable to the same stamp duties as licences for marriage granted by the ordinary of any diocese, and affidavits made in order to procure the same.

Caveat may be lodged with superintendent registrar against grant of licence or certificate.

XIII. And be it enacted, that any person, on payment of five shillings, may enter a caveat with the superintendent registrar against the grant of a certificate or a licence for the marriage of any person named therein; and if any caveat be entered with the superintendent registrar, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate or licence shall issue or be granted until the superintendent registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate or licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; provided that in cases of doubt it shall be lawful for the superintendent registrar to refer the matter of any such caveat to the registrar general, who shall decide upon the same: provided likewise, that in case of the superintendent registrar refusing the grant of the certificate or licence, the person applying for the same shall have a right to appeal to the registrar general, who shall thereupon either confirm the refusal or direct the grant of the certificate or licence.

Marriages not to be solemnized until after 21 days after entry of notice, unless by licence.

XIV. And be it enacted, that after the said first day of *March* no marriage after such notice as aforesaid, unless by virtue of a licence to be granted by the superintendent registrar, shall be solemnized or registered in *England* until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid; and no marriage shall be solemnized by the licence of any superintendent registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid.

New notice required after three months.

XV. And be it enacted, that whenever a marriage shall not be had within three calendar months after the notice shall have been so entered by the superintendent registrar, the notice and certificate, and any licence which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

Superintendent registrar's certificate or licence to be delivered to the person by or before whom the

XVI. And be it enacted, that the superintendent's certificate, or, in case the parties shall have given notice to the superintendent of different districts, the certificate of each superintendent, shall be delivered to the officiating minister, if the marriage shall be solemnized according to the rites of the church of *England*; and the said certificate or licence shall be delivered to the registering officer of

the people called *Quakers* for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people; or to the officer of a synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the *jewish* religion; and in all other cases shall be delivered to the registrar present at the marriage, as hereinafter provided.

marriage is solemnized.

XVII. And be it enacted, that it shall be lawful for the superintendent registrar of any union, parish, or place, subject to the approval of the board of guardians thereof, to appoint by writing under his hand such person or persons as he may think fit, with such qualifications as the registrar general, by any general rule, may declare to be necessary, to be a registrar or registrars for the purpose of being present at marriages to be solemnized by virtue of this act at which the presence of a registrar is made necessary, and every such registrar of marriages shall hold his office during the pleasure of the superintendent registrar by whom he was appointed, or of the registrar general.

Superintendent registrar may appoint registrars of marriages.

XVIII. And be it enacted, that any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the superintendent registrar of the district, in order that such building may be registered for solemnizing marriages therein, and in such case shall deliver to the superintendent registrar a certificate, signed in duplicate by twenty householders at the least, that such building has been used by them during one year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered; and the superintendent registrar shall send both certificates to the registrar general, who shall register such building accordingly in a book to be kept for that purpose at the general register office; and the registrar general shall indorse on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the superintendent registrar, who shall keep the same with the other records of his office; and the superintendent registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the *London Gazette*; and for every such entry, certificate, and publication the superintendent registrar shall receive at the time of the delivery to him of the certificates the sum of three pounds.

Places of worship may be registered for solemnizing marriages therein.

XIX. And be it enacted, that if at any time subsequent to the registry of any building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled;

On removal of the same congregation the new place of worship may be immediately registered, instead of the one disused.

provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the superintendent registrar of the district; and such cancel or substitution, when made, shall be made known by the registrar general to the superintendent registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancel or substitution and registry in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the superintendent registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of three pounds; and after such cancel or substitution shall have been made by the registrar general it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

Marriages may be solemnized in such registered places, in the presence of some registrar and of two witnesses.

XX. And be it enacted, that after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight and twelve in the forenoon, in the presence of some registrar of the district in which such registered building is situate, and of two or more credible witnesses; provided also, that in some part of the ceremony, and in the presence of such registrar and witnesses, each of the parties shall declare,

‘I do solemnly declare, that I know not of any lawful impediment why I *A. B.* may not be joined in matrimony to *C. D.*’

And each of the parties shall say to the other,

‘I call upon these persons here present to witness that I *A. B.* do take thee *C. D.* to be my lawful wedded wife [*or husband.*]

Provided also, that there be no lawful impediment to the marriage of such parties.

Marriages may be celebrated before the superintendent registrar.

XXI. And be it enacted, that any persons who shall object to marry under the provisions of this act in any such registered building may, after due notice and certificate issued as aforesaid, contract and solemnize marriage at the office and in the presence of the superintendent registrar and some registrar of the district, and in the presence of two witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided in the case of marriage in any such registered building.

XXII. And be it enacted, that the registrar shall be entitled for every marriage which shall be solemnized under this act in his presence to have from the parties married the sum of ten shillings, if the marriage shall be by licence, and otherwise the sum of five shillings.

Marriage fees to the registrar.

XXIII. And be it enacted, that the registrar shall forthwith register every marriage solemnized in manner aforesaid in his presence in a marriage register book to be furnished to him for that purpose from time to time by the registrar general, according to the form provided for the registration of marriages by an act made in this present session of parliament, intituled *an act for registering births, deaths, and marriages in England*, the cost of which shall be defrayed in like manner as the cost of providing register books of births and deaths; and every entry of such marriage shall be signed by the person by or before whom the marriage shall have been solemnized, if there shall be any such person, and by the registrar, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book.

Registrar to register all marriages solemnized before him in books to be sent by the registrar general. 6 & 7 W. 4, c. 86.

XXIV. And be it enacted, that in every year, on such days as shall from time to time be appointed by the registrar general, within one calendar month next after the first day of *April*, the first day of *July*, the first day of *October*, and the first day of *January* respectively, every registrar shall make and deliver to the superintendent registrar of his district a true copy certified by him under his hand, according to the form of schedule (D.) to this act annexed, of all the entries of marriage in the register book kept by him since the last delivery, and the superintendent registrar shall verify the same, and if found to be correct shall certify the same under his hand to be a true copy, and if there shall have been no marriage registered since the delivery of the last certified copy the registrar shall certify the fact, and such certificate shall be delivered to the superintendent registrar as aforesaid, and countersigned by him; and the registrar shall keep safely the said register book until it shall be filled, and shall then deliver it to the superintendent registrar to be kept by him with the records of his office.

Copies of the marriage register book to be given quarterly to the superintendent registrar.

XXV. And be it enacted, that after any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district wherein such marriage was solemnized for the time required by this act, or of the consent of any person whose consent thereunto is required by law; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Proof of residence of parties, or consent, not necessary to establish the marriage.

XXVI. And whereas it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the parish church, or from any chapel wherein marriages may be lawfully celebrated according to the rites and ceremonies of the church of *England*, from the inconvenience to which they may be thereby subjected in the solemnization of their marriages; be it therefore enacted, that, with the consent under the hand and seal of the patron and incumbent respectively of the church

Bishops, with consent of patrons, may license chapels for the solemnization of marriages in populous places.

of the parish or district in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the church of *England*, or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the church of *England*, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the amount, appropriation, or apportionment of the dues, and as to other particulars, as to the said bishop may seem fit, and as may be specified in the said licence; provided that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

Appropriation of fees on marriages performed in such chapels.

XXVII. And be it enacted, that all fees, dues, and other emoluments on account of the solemnization of marriages which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid shall respectively be received, until the avoidance of such church or chapel next after the passing of this act, for and on account of such incumbent, and, until the vacancy in the office of clerk next after the passing of this act, for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last mentioned chapel as shall be specified in such licence, shall be receivable, and the same shall thenceforth be received by or for the minister and clerk of such chapel respectively.

XXVIII. And be it enacted, that when the said bishop shall authorize the solemnization of marriages in any such chapel as aforesaid, without the consent under the hand and seal of the patron and incumbent respectively, it shall be lawful for them or either of them to appeal within one calendar month to the archbishop of the province, who shall hear the same in a summary manner, and shall make such order confirming, revoking, or varying the licence so given, as to him shall seem meet and expedient, which order shall be registered in the registry of the diocese, and shall be conclusive and binding on all parties whatsoever.

Patron or incumbent may appeal to the archbishop against such licences.

XXIX. And be it enacted, that there shall be placed in some conspicuous part in the interior of every chapel in respect of which such licence shall be given as aforesaid a notice in the words following: "Marriages may be solemnized in this chapel."

Notice of such licences to be affixed in chapels.

XXX. And be it enacted, that all provisions which shall from time to time be in force relative to marriages, and to providing, keeping, and transmitting register books and copies of registers of marriages solemnized in any parish church, shall extend to any chapel in which the solemnization of marriages shall be authorized as aforesaid, in the same manner as if the same were a parish church, and every thing required by law to be done relating thereto by the rector, vicar, curate, or churchwardens respectively of any parish church shall be done by the officiating minister, chapelwarden, or other person exercising analogous duties in such chapel respectively.

Marriages performed in such chapels to be under the same regulations as those performed in parish churches

XXXI. Provided always, and be it enacted, that, notwithstanding any such licence as aforesaid to solemnize marriages in any such chapel, the parties may, if they think fit, have their marriage solemnized in the parish church, or in any chapel in which heretofore the marriage of such parties or either of them might have been legally solemnized.

Option to parties to be married at parish church.

XXXII. And be it enacted, that any such licence or order may at any time be revoked by writing under the hand and seal of the bishop of the diocese, with the consent in writing of the archbishop of the province; and such revocation and consent shall be registered in the registry of the diocese, the registrar whereof shall notify the same in writing to the minister officiating in the chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the county and in the *London Gazette*, and thenceforth the authority to solemnize marriages in such chapel shall cease and determine.

Bishop, with consent of archbishop may revoke such licences;

XXXIII. And be it enacted, that in case of the revocation of the licence to solemnize marriages in any such chapel all registers of marriages solemnized therein under such licence which shall be in the custody or possession of the minister of such chapel at the time of such revocation shall forthwith be transmitted to the incumbent or officiating minister of the parish church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made and deposited with such incumbent or officiating minister; and that such incumbent or minister shall, when he next transmits to the superintendent registrar copies of the registers of marriages solemnized in such parish church, also

in which case registers to be sent to the incumbent of the parish church.

therewith transmit copies of all such entries as shall have been made in such first mentioned registers subsequent to the date of the last entry a copy whereof was transmitted to the superintendent registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the superintendent registrar, having first signed his name at the foot of the last entry therein.

Registrars of dioceses to send to the register office yearly, lists of licensed chapels within their districts.

XXXIV. And be it enacted, that the registrar of every diocese shall within fifteen days after the said first day of *March*, and also within fifteen days after the first day of *January* in every succeeding year, make out and send through the post office, directed to the registrar general of births, deaths, and marriages, at his office, a list of all chapels belonging to the church of *England* within that diocese wherein marriages may lawfully be solemnized according to the rites and ceremonies of the church of *England*, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year make out and cause to be printed a list of all such chapels, and also of all places of public worship registered under the provisions of this act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars and deputy registrars of each district, and of the superintendent registrars; and a copy of such list shall be sent to every registrar and superintendent registrar.

List of all chapels and buildings registered to be printed.

Marriages under this act cognizable.

XXXV. And be it enacted, that every marriage solemnized under this act shall be good and cognizable in like manner as marriages before the passing of this act according to the rites of the church of *England*.

Registrar may ask certain particulars of parties

XXXVI. And be it enacted, that it shall be lawful for the registrar before whom any marriage is solemnized according to the provisions of this act to ask of the parties to be married the several particulars required to be registered touching such marriage.

Persons vexatiously entering caveat liable to costs and damages

XXXVII. And be it enacted, that every person who shall enter a caveat with the superintendent registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages to be recovered in a special action upon the case by the party against whose marriage such caveat shall have been entered.

Persons making false declarations, &c. guilty of perjury.

XXXVIII. And be it enacted, that every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any superintendent registrar's certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury.

XXXIX. And be it enacted, that every person who after the said first day of *March* shall knowingly and wilfully solemnize any marriage in *England*, except by special licence, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the church of *England*, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except in the case of a marriage between two of the society of friends commonly called *Quakers*, according to the usages of the said society, or between two persons professing the *jewish* religion, according to the usages of the *Jews*); and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage in the absence of a registrar of the district in which such registered building or office is situated shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage in *England*, after the said first day of *March* (except by licence) within twenty-one days after the entry of the notice to the superintendent registrar as aforesaid, or if the marriage is by licence within seven days after such entry, or after three calendar months after such entry, shall be guilty of felony.

Persons unduly solemnizing marriage guilty of felony.

XL. And be it enacted, that every superintendent registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence before the expiration of seven days after the entry of the notice, or any certificate for marriage without licence before the expiration of twenty-one days after the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any marriage herein declared to be null and void, shall be guilty of felony.

Superintendent registrars unduly issuing certificates guilty of felony.

XLI. And be it enacted, that every prosecution under this act shall be commenced within the space of three years after the offence committed.

Limitation of prosecution.

XLII. And be it enacted, that if any person shall knowingly and wilfully intermarry after the said first day of *March* under the provisions of this act in any place other than the church, chapel, registered building, or office or other place specified in the notice and certificate as aforesaid, or without due notice to the superintendent registrar, or without certificate of notice duly issued, or without licence, in case a licence is necessary under this act, or in the absence of a registrar or superintendent registrar where the presence of a registrar or superintendent registrar is necessary under this act, the marriage of such persons, except in any case hereinafter excepted, shall be null and void: provided always, that nothing herein contained shall extend to annul any marriage legally solemnized according to the provisions of an act passed in the fourth year of his

Marriages void if unduly solemnized with the knowledge of both parties.

late majesty *George* the fourth, intituled *an act for amending the laws respecting the solemnization of marriages in England*.

In cases of fraudulent marriages, the guilty party to forfeit all property accruing from the marriage, as in 4 G.4, c.76.

XLIII. And be it enacted, that if any valid marriage shall be had under the provisions of this act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for his majesty's attorney general or solicitor general to sue for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnized by licence before the passing of this act according to the rites of the church of *England*.

Provisions of registry act extended to this act.

XLIV. And be it enacted, that this act shall be taken to be part of the said act for registering births, deaths, and marriages, as fully and effectually as if incorporated therewith, and that all the provisions and penalties of the said act relating to any registrar or register of marriages, or certified copies thereof, shall be taken to extend to the registrars and registers of marriages to be solemnized under this act, and to the certified copies thereof, so far as the same are applicable thereunto.

Extent of act.

XLV. And be it enacted, that this act shall extend only to *England*, and shall not extend to the marriage of any of the royal family.

Schedules to which this Act refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the registrar of the district of *Hendon* in the county of *Middlesex*.

I HEREBY give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party resides when the Parties dwell in different Districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Hendon, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	<i>.</i>	<i>Minor</i>	<i>Grove Farm</i>	<i>More than a Month</i>		

Witness my hand this sixth day of *May* 1837.

(Signed) *James Smith.*

[The *italics* in this schedule to be filled up as the case may be.]

SCHEDULE (B.)

No. 14.

REGISTRAR'S CERTIFICATE.

I *John Cox*, registrar of the district of *Stepney* in the county of *Middlesex*, do hereby certify, that on the sixth day of *May* notice was duly entered in marriage notice book of the said district of the marriage intended between the parties therein named and described, delivered under the hand of *James Smith*, one of the parties; (that is to say),

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party dwells where the parties dwell in different districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Stepney, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	<i>.</i>	<i>Minor</i>	<i>Grove Farm</i>	<i>More than a Month</i>		

Date of notice entered 6th *May* 1837. } The issue of this certificate has not been forbidden by any person authorized to
Date of certificate given 27th *May* 1837. } forbid the issue thereof.

Witness my hand this twenty-seventh day of *May* one thousand eight hundred and thirty-seven.

(Signed) *John Cox*, registrar.

This certificate will be void unless the marriage is solemnized on or before the sixth day of *August* 1837.

[The *italics* in this schedule to be filled up as the case may be.]

SCHEDULE (C.)—*Licence of Marriage.*

A. B., superintendent registrar of to
C. D. of and *E. F.* of
 sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a contract of marriage under the provisions of an act made in the seventh year of the reign of his majesty king *William* the fourth, intituled [*here insert the title of this act*], and are desirous that the same may be speedily and publicly solemnized: and whereas you *C. D.* [*or you E. F.*] have made and subscribed a declaration under your hand that you believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that you [*C. D. or E. F.*] have [*or has*] had your [*or his or her*] usual place of abode for the space of fifteen days last past within the district of [], and that you *C. D.* [*or E. F.*], not being a widower [*or widow*], are [*or is*] under the age of twenty-one years, and that the consent of *G. H.*, whose consent to your [*or his or her*] marriage is required by law, has been obtained thereto [*or that there is no person having authority to give such consent*]: I do hereby grant unto you full licence, according to the authority in that behalf given to me by the said act, to proceed to solemnize such marriage, and to the registrar of the district of [*here insert the name of the district in which the marriage is to be solemnized*] to register such marriage according to law; provided that the said marriage be publicly solemnized in the presence of the said registrar and of two witnesses within three calendar months from the [*here insert the date of the entry in the notice book of the superintendent registrar*], in the [*here describe the building in which the marriage is to be solemnized*], between the hours of eight and twelve in the forenoon. Given under my hand this day of one thousand eight hundred and

(Signed) *A. B.*
 Superintendent registrar.

SCHEDULE (D.)

I *John Cox*, registrar of the district of *Stepney* in the county of *Middlesex*, do hereby certify, that this is a true copy of the entries of marriage registered in the said district from the entry of the marriage of *John Wood* and *Ann Simpson*, number *one*, to the entry of the marriage of *James Smith* and *Martha Green*, number *fourteen*. Witness my hand this *first* day of *July* 1837.

(Signed) *John Cox*,
 Registrar.

[The *italics* in this schedule to be filled up as the case may be.]

6 & 7 WILLIAM 4, CAP. 86.—*An act for registering births, deaths, and marriages in England.*—See Title—"REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES."

6 & 7 WILLIAM 4, CAP. 92.—*An act to render valid certain marriages solemnized in the church of Saint Clement, Oxford.*—Whereas the ancient parish church of *Saint Clement* in the city and diocese of

All marriages solemnized in the church of St. Clement, Oxford declared valid.

Ministers not to be liable to penalties.

Registers to be evidence.

6 & 7 W. 4, c. 86.
6 & 7 W. 4, c. 85.

How recited acts shall be construed as to certain dates.

Proviso.

Oxford, being not only very much decayed, but insufficient in size and accommodation for a due proportion of the inhabitants of the said parish to attend divine service, the same was some time since taken down, and a new church was erected on a different site within the said parish, and the same was duly consecrated by the then lord bishop of *Oxford*, and has since been used as the parish church of the said parish of *Saint Clement*, and public worship has been regularly performed, and many marriages solemnized therein, according to the rites and ceremonies of the church of *England*: and whereas it is considered that the said new church is not legally the parish church of the said parish of *Saint Clement*; and it is expedient to remove all doubts which may thereby arise touching the validity of marriages already solemnized therein: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, that all marriages which have been solemnized within the said new church according to the rites and ceremonies of the church of *England* since the consecration thereof shall be good and valid in the law to all intents and purposes whatsoever, as if such marriages had been solemnized in the old church of the said parish of *Saint Clement*.

II. And be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates who have solemnized any such marriages shall not be liable to any ecclesiastical censures, or to any other proceedings or penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same marriages respectively.

III. And be it further enacted, that the registers of such marriages so solemnized in the said new church shall be received in all courts of law and equity as evidence of such marriages respectively, in the same manner as they would have been receivable in evidence in case the said marriages respectively had been solemnized in the said old church of the parish of *Saint Clement* aforesaid.

7 WILLIAM 4, CAP. 1.—*An act to suspend for a limited time the operation of two acts passed in the last session of parliament, for registering births, deaths and marriages in England, and for marriages in England.*—Whereas two acts were passed in the last session of parliament, intituled *an act for registering births, deaths, and marriages in England*, and *an act for marriages in England*; and by reason of the provisions therein contained the said acts would come into force on the first day of *March* now next ensuing; but it is expedient that the full operation of the same should be further delayed: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, subject to the proviso hereinafter contained, the said two acts respectively shall be construed as if the words "last day of *June*" had been inserted in the said acts instead of the words "first day of *March*," in every place where the last mentioned words are found in the said acts respectively: provided always, that the registrar of every diocese shall, within fifteen days after the first day of *March* now next ensuing, make out and send, through the post

office, directed to the registrar general of births, deaths, and marriages at his office, a list of all chapels belonging to the church of *England* within that diocese wherein marriages may be solemnized according to the rites and ceremonies of the church of *England*, as if this act had not been passed.

II. And be it enacted, that notwithstanding any thing in the said acts contained, or either of them, the first certified copies of all the entries of births and deaths, or first certificate that there has been no birth or death registered in the register book to be kept by any registrar of births and deaths, and the first certified copy of all the entries of marriages, or first certificate that there has been no marriage entered in the register book kept by any rector, vicar, curate, registrar of marriages, registering officer of the society of friends, or secretary of a synagogue, shall be made and given to the superintendent registrar in the month of *October* now next ensuing, and shall contain and certify all the entries made up to the time at which the same shall be so certified to be a true copy, or that there have been no entries up to that time, as the case may be.

First quarterly deliveries of copies of registers, &c. to be in *October*.

III. And be it enacted, that this act may be altered, amended, or repealed by any act passed in this session of parliament.

Act may be amended or repealed this session.

1 VICTORIA, CAP. 22.—*An act to explain and amend two acts passed in the last session of parliament, for marriages, and for registering births, deaths, and marriages, in England.*—Whereas by an act made in the last session of parliament, intituled *an act for marriages in England*, and by another act, intituled *an act for registering births, deaths, and marriages in England*, sundry provisions were made for the duties of superintendent registrars and also of registrars and deputy registrars of births, deaths, and marriages, which several provisions require to be further explained and amended: and whereas the recited acts require amendment in other respects: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where in the said act for marriages in *England* provision is made for giving notice of marriage to any registrar, and where in the last recited act, or any schedule thereunto annexed, mention is made of any such notice, or of the registrar's certificate of any such notice, the same shall be construed respectively to mean the notice to be given to the superintendent registrar, and the certificate thereof to be issued by the superintendent registrar, according to the provisions for that purpose contained in the last recited act.

6 & 7 W. 4, c. 85.
6 & 7 W. 4, c. 86.

Meaning of the words notice to the registrar and registrar's certificate.

II. And whereas by the said act for registering births, deaths, and marriages it is provided, that in the case of any child to which any name shall be given in baptism after its birth shall have been registered under the provisions of the said act, a certificate shall be delivered in manner provided by the said act, signed by the minister who shall have performed the rite of baptism, and that the registrar shall certify upon the said certificate the additional entry in the register book thereupon required by the said act to be made, and shall forthwith send the said certificate through the post office to the registrar general; be it enacted, that the certificate that such

Certificate of baptismal name to be made by registrar or superintendent registrar, as the case may be.

additional entry has been made shall be made and sent as aforesaid by the registrar or superintendent registrar, as the case may be, to whom the minister's certificate shall have been delivered according to the provisions of the said act.

Superintendent-registrars unduly issuing licences, or solemnizing marriages, guilty of felony.

III. And be it enacted, that every superintendent registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the superintendent registrar, as provided by the said act for marriages, or who shall knowingly and wilfully solemnize or permit to be solemnized in his office any marriage in the last recited act declared to be null and void, shall be guilty of felony.

Whereunto committals shall be,

IV. And whereas in that part of the said act for registering births, deaths, and marriages in *England* which provides for the recovery of penalties the word "Offender" has been once inserted by mistake instead of the word "Offence;" be it enacted, that in all cases in which any justices are by the last recited act authorized to imprison any offender against the last recited act, the place of imprisonment shall be the common gaol or house of correction for the county, city or place where the offence shall be committed.

Registrar general's certificate of frivolous caveat to be evidence.

V. And be it enacted, that for the purpose of enabling any person to recover costs and damages in any action, as provided by the said act for marriages, from any person who shall have entered a caveat on frivolous grounds with the superintendent registrar, a copy of the declaration of the registrar general purporting to be sealed with the seal of the general register office shall be evidence that the registrar general has declared such caveat to have been entered on frivolous grounds, and that they ought not to obstruct the grant of the licence or issue of the certificate, as the case may be; and such declaration shall have the effect of the declaration required in such case by the said act for marriages.

Commencement of marine register book.

VI. And whereas it hath been doubted, under the provisions of the said act for registering births, deaths, and marriages in *England*, when the registration of the births and deaths of persons born and dying at sea ought to begin; be it enacted, that the marine register books shall begin with the birth and death respectively which shall happen of persons born or dying at sea after the last day of *June* one thousand eight hundred and thirty-seven, and of which a certificate shall be first sent to the registrar general according to the provisions of the last recited act, and shall not contain any registry of the birth or death of any person born or dying at sea before the first day of *July* one thousand eight hundred and thirty-seven.

Privilege of franking extended to the united kingdom.

VII. And be it enacted, that the registrar general may receive and send by the general post from and to all ports and places in the united kingdom of *Great Britain* and *Ireland* all letters and packets relating exclusively to the execution of the said acts for marriages, and for registering births, deaths, and marriages, or of this act, free from the duty of postage, subject to the provisions and conditions of the said act for registering births, deaths, and marriages, with respect to letters and packets so received or sent by him from and to places in *England*.

Place of birth or death may

VIII. And be it enacted, that it shall be lawful for the registrar general, if he shall think fit, to direct that the place of birth or

death of any person whose birth or death shall be registered under the said act for registering births, deaths, and marriages, shall be added to the entry in such manner as the registrar general shall direct; and such addition, when so made, shall be taken to all intents to be part of the entry in the register.

be inserted
in the regis-
ter.

IX. And be it enacted, that it shall be lawful for the registrar general, with the consent of the poor law commissioners, to direct that any place lying wholly within but not being part of any union, parish, or place for which a board of guardians shall have been established under the provisions of an act passed in the fourth and fifth years of his late majesty king *William* the fourth, intituled *an act for the amendment and better administration of the laws relating to the poor in England and Wales*, shall be part of any one or more registrars districts within such union, parish, or place, and within the superintendence of the superintendent registrar thereof, or if not lying wholly within any one such union, parish, or place as last aforesaid, then to be for those purposes annexed to such union, parish, or place as last aforesaid, as the registrar general, with the consent of the poor law commissioners, shall direct.

Provision for
including
extra-paro-
chial places
in registrars
districts.

4 & 5 W. 4,
c. 76.

X. And be it enacted, that it shall be lawful for the registrar general, if he shall see fit, with the approval of one of her majesty's principal secretaries of state, to unite any two or more unions, parishes, or places for which a board of guardians shall have been established under the act last aforesaid, or any two or more superintendent registrars districts, into one superintendent registrar's district; and in every such case of union the registrar general shall declare by which board of guardians the superintendent registrar shall thenceforward be appointed; and the superintendent registrar of the union, parish, or place for which such board is established shall from the time of such union be the sole superintendent registrar of such united district; and every provision of the said acts for marriages, and for registering births, deaths, and marriages, relating to superintendent registrars, and to the districts under their superintendence, and to boards of guardians within such districts, shall apply to every such superintendent registrar, and to every such district, and to the board of guardians so selected and declared; and all register boxes, keys, books, documents, and papers in the possession of any superintendent registrar who shall cease to be such under the provisions of this act shall be delivered to the superintendent registrar of the united district, and may be recovered in the manner provided by the last recited acts, and shall be removed from the office of the person ceasing to be superintendent registrar to the office of the superintendent registrar of the united district; and the office of every superintendent registrar ceasing to be such under the provisions of this act shall from the time of such union as last aforesaid cease to be a register office within the meaning of the said last recited acts, and it shall be lawful for the commissioners of her majesty's treasury, or any three of them, to cause to be repaid out of the consolidated fund such sum as the board of guardians shall have legally paid or for which they may have lawfully become liable as such guardians, for the sole purpose of providing a register office; and in every case in which such union as last aforesaid shall

Registrar
general may
unite dis-
tricts.

be intended to take place the registrar general shall give public notice thereof, and of the time when the same shall take effect, by advertisement in the *London Gazette*, and in some newspaper circulating within the county; and every such union shall take effect from the day named in such advertisement in the *London Gazette*.

Registrar
general
may divide
unions or
districts.

XI. And be it enacted, that it shall be lawful for the registrar general, if he shall see fit, with the approval of one of her majesty's principal secretaries of state, to divide any union, parish, or place, or any superintendent registrar's district, into two or more superintendent registrars districts, and notice of every such division shall be published in the *London Gazette*; and in every such case the guardians shall appoint a sufficient number of persons with such qualifications as the registrar general may by any general rule declare to be necessary, to be superintendent registrars of the new districts, and shall also appoint the district for which the clerk to the guardians or other person who may have been theretofore appointed as superintendent registrar of the whole union, parish, or place, shall continue to be superintendent registrar; and every provision of the said recited acts for marriages, and for registering births, deaths, and marriages, relating to superintendent registrars, and the districts under their superintendence, shall apply to every superintendent registrar so appointed, and to the district for which he shall be so appointed.

As to local-
ity of super-
intendent
registrar's
office.

XII. And be it enacted, that the superintendent registrar's office shall be taken, for the purposes of the said act for marriages, and for registering births, deaths, and marriages, and of this act, to be within the district of which it is the register office, although not locally situated therein.

If guardians
neglect to
form regis-
trar's dis-
tricts, poor
law commis-
sioners shall
form them
and appoint
registrars
thereto.

XIII. And be it enacted, that in case any such board of guardians of any union, parish, or place as aforesaid shall not have divided such union, parish, or place into registrars' districts, with the approval of the registrar general, before the first day of *July* now next ensuing in case the said board was established before the first day of *March* now last past, or within three calendar months next after their establishment in case the said board shall have been established on or after the said first day of *March*, the poor law commissioners for *England* and *Wales* shall divide such union, parish, or place into registrars districts, and shall appoint a registrar to each of such districts, qualified according to the provisions of the said act for registering births, deaths, and marriages; and every registrar so appointed shall hold his office during the pleasure of the registrar general.

If guardians
neglect to
appoint re-
gistrars or
superintend-
entregistrars
the registrar
general to
appoint them

XIV. And be it enacted, that in every case in which the clerk to any such board of guardians shall not think fit or shall be disqualified to accept the office of superintendent registrar, and the guardians shall refuse or neglect during fourteen days after being required so to do by the registrar general to appoint a superintendent registrar properly qualified, and in every case of vacancy of the office of registrar or superintendent registrar in any such union, parish, or place in which the guardians shall refuse or neglect during fourteen days after such vacancy to appoint a registrar or superintendent registrar properly qualified, the appointment shall lapse to the registrar general.

XV. And be it enacted, that the registrar general shall have power, subject to the approval of the commissioners of the treasury, to appoint by writing under his hand a fit person to act as his assistant in the case of the illness of the registrar general; and every such assistant, while so acting, shall have all the powers and duties and be subject to all the provisions and penalties declared by the said acts for marriages, and for registering births, deaths, and marriages, in *England*, and by this act, or any of them; except that such assistant shall not have power to make or declare any general rule, or to rescind or alter any order, regulation, or approval signified and made by the registrar general in writing under his hand, or to dismiss any person from any office holden during the pleasure of the registrar general.

Registrar general may appoint an assistant to act for him in certain cases.

XVI. And be it enacted, that every superintendent registrar shall have the power, subject to the approval of the registrar general, to appoint by writing under his hand a fit person to act as his deputy in case of the illness or absence of such superintendent registrar; and every such deputy superintendent registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties declared by the said acts for marriages, and for registering births, deaths, and marriages, in *England*, and by this act, concerning superintendent registrars; and in case of the death of the superintendent registrar shall act as superintendent registrar until another be appointed; and every superintendent registrar shall be civilly responsible for the acts and omissions of his deputy.

Superintendent registrar may appoint a deputy to act for him in certain cases.

XVII. And be it enacted, that whenever there are two or more clerks to the guardians of any union, parish, or place, established under the provisions of the said act for amending the laws relating to the poor, one only of whom shall possess such qualifications as the registrar general by any general rule hath declared or shall declare to be necessary, or one only of whom shall think fit to accept the office of superintendent registrar of such union, parish, or place, such one shall be the superintendent registrar of such union, parish, or place; and if two or more of such clerks shall possess such qualifications as aforesaid, and be willing to accept such office, then such guardians shall elect and choose one of such clerks (possessing such qualifications as aforesaid) to be the superintendent registrar of such union, parish, or place; and that no other person shall be or be elected or appointed to be superintendent registrar of any such union, parish, or place, unless all the clerks to the board of guardians (possessing such qualifications as aforesaid) shall not think fit to accept such office.

If more than one clerk to a board of guardians, which of them to be superintendent registrar.

XVIII. And be it enacted, that every registrar of births and deaths and every registrar of marriages appointed under the provisions of the said acts or either of them shall be freed and exempted from being returned and from serving on any jury or inquest, and from every parochial and corporate office whatever.

Exemption of registrars from parochial and corporate offices.

XIX. And be it enacted, that for better enabling fit register offices to be provided it shall be lawful for any such board of guardians to borrow money for that purpose, and to charge the amount of the sum borrowed on the future poor rates of the parish, union, or place of which they are the guardians, in the manner provided by

Guardians may borrow money for providing register offices.

the said act for amending the laws relating to the poor with respect to monies borrowed for building workhouses for the relief of the poor; save only that the yearly instalments by which any money borrowed as aforesaid shall be repaid shall not be less than one twentieth of the sum borrowed, with interest on the same, and need not be more in any one year.

If guardians neglect to provide a register office, commissioners of treasury may direct it to be provided.

XX. And be it enacted, that in any case in which any such board of guardians shall neglect or refuse to provide and uphold a register office according to the provisions of the said act for registering births, deaths, and marriages, it shall be lawful for the commissioners of the treasury, or any three of them, on the application of the registrar general, to give directions for providing and upholding the same, and to expend a sum not exceeding three hundred pounds in providing the same, and also all sums needful for the repair and maintenance thereof from time to time, in case the guardians shall continue to refuse or neglect to repair and uphold the same; and it shall be lawful for the said commissioners, or any three of them, to make an order from time to time on such guardians for the repayment, out of the monies coming to their hands as such guardians, of all sums so to be from time to time expended, and such order shall be binding upon the said guardians, and the guardians shall also be bound to pay out of the monies coming to their hands as such guardians all costs and expences incurred by or under the direction of the said commissioners in making and enforcing such order.

Substitute for register office until the same is provided.

XXI. And be it enacted, that until a register office shall be provided in any superintendent registrar's district the superintendent registrar shall appropriate some fit room or rooms, to be approved by the registrar general, as the superintendent registrar's office of that district.

Register general to limit the number of registrars of marriage.

XXII. And be it enacted, that the registrar general shall be authorized to fix from time to time the number of registrars of marriage to be appointed by any superintendent registrar; and no superintendent registrar shall have power to appoint more than the number so fixed for him to appoint.

Provision for marriages in the Welsh tongue.

XXIII. And be it enacted, that the registrar general, under the direction of one of her majesty's principal secretaries of state, shall take order that the solemn declaration and form of words provided to be used in the case of marriages under the said act for marriages be truly and exactly translated into the *Welsh* tongue, and shall cause the same so translated to be furnished to every registrar of marriages throughout *Wales*, and in all places where the *Welsh* tongue is commonly used; and it shall be lawful to use the declaration and form of words so translated, and published by authority, in all places where the *Welsh* tongue is commonly used or preferred, in such manner and form and to the same intents and purposes as by the said act is prescribed in the *English* tongue.

Notices of marriage to be suspended in the superintendent registrar's office, instead of being read at the meet-

XXIV. And whereas by the said act for marriages in *England* provision is made for the transmission of notices of marriage to the clerk to the guardians of the poor law union, or of the parish or place comprising the district of a superintendent registrar, and for the reading of the same at certain meetings of such guardians: and whereas it may happen in certain superintendent registrars districts

that there may be no such guardians; be it therefore enacted, that in every such case, but only until the election of such board of guardians and of a clerk to their board, every notice of marriage given according to the provisions of the said act for marriages, or a true and exact copy thereof, under the hand of the superintendent registrar, shall be suspended in some conspicuous place in the office of the superintendent registrar during seven successive days, if the marriage is to be solemnized by licence, or twenty-one successive days if the marriage is to be solemnized without licence, before any marriage shall be solemnized in pursuance of such notice; and the particulars of every such notice shall be sent by the superintendent registrar to every registrar of marriages within his district, and shall be open to the inspection of every one who shall apply at reasonable times to such registrar to inspect the same.

ings of guardians, and particulars of the same sent to the registrar.

XXV. And whereas by the said act for registering births, deaths, and marriages it is provided that the cost of all marriage register books and forms for certified copies thereof, furnished to the rector, vicar, or curate of every church and chapel in *England* wherein marriages may lawfully be solemnized, shall be paid by the churchwardens and overseers of the parish or chapelry out of the monies in their hands as such churchwardens or overseers, and that the cost of register books of births, and of register books of deaths and of forms for certified copies thereof, shall be paid by the guardians or by the churchwardens and overseers (as the case may be) out of the monies coming to their hands or control as such guardians or churchwardens and overseers; be it enacted, for removing doubt as to the fund chargeable therewith, that the cost of all such books and forms shall be borne by the union, parish, or place in and for which the superintendent registrar is appointed who superintends the registrar for whose use such books were provided, or to whom such rector, vicar, or curate is by the said act directed to deliver one copy of such register; and such cost shall be paid to the said superintendent registrar by the guardians, or by the churchwardens and overseers, (as the case shall be), out of the monies coming into their hands as such guardians or such churchwardens and overseers for the relief of the poor.

Cost of parochial marriage register books and forms, how to be defrayed.

XXVI. And be it enacted, that the certified copies of the entries of births, deaths, and marriages required by the said acts for marriages, and for registering births, deaths, and marriages, or by an act passed in this session of parliament, intituled *an act to suspend for a limited time the operation of two acts passed in the last session of parliament, for registering births, deaths, and marriages in England, and for marriages in England*, to be made and delivered to the superintendent registrar, and also the certificates to be made and delivered to the superintendent registrar, that there has been no birth, death, or marriage registered since the delivery of the last certificate, shall in every case be made up and refer respectively to the last days of *March, June, September, and December* then next preceding, and not to the time of the making or delivery of such certified copy or certificate when made on any subsequent day.

Certified copies of register books to be made up quarterly. 7 W. 4, c. 1.

XXVII. And whereas it is required by the said act for registering births, deaths, and marriages, that every rector, vicar, and curate shall register in duplicate the particulars of every marriage solemn-

Clergyman to be paid for making register in duplicate.

nized by him, one of which registers he is also required to deliver when filled to the superintendent registrar of the district in which such church or chapel may be situated, and also four times in every year to deliver to the said superintendent registrar a true copy, certified by him under his hand, of all the entries of marriages in the register book kept by him since the last certificate; be it enacted, that the said superintendent registrar shall pay or cause to be paid to the said rector, vicar, or curate the sum of sixpence for every entry contained in such certified copy, which sum shall be reimbursed to the said superintendent registrar by the guardians or overseers of the union, parish, or place for which he shall be appointed superintendent registrar as aforesaid, in like manner as by the said act is provided for the payment of the registrar on production of his accounts to the superintendent registrar.

Penalty for neglecting to send certified copies of register books.

XXVIII. And be it enacted, that every person who under the provisions of the said acts for marriages, and for registering births, deaths, and marriages, or either of them, as amended by this act, is required to make and deliver to any superintendent registrar a certified copy of the entries of any births, deaths, or marriages registered by him, or the certificate required by the said acts as amended by this act that there have been no entries since the last certificate, and who after being duly required to deliver such certified copy or such certificate as aforesaid shall refuse or during one calendar month neglect so to do, shall be liable for every such offence to forfeit a sum not exceeding ten pounds, to be recovered as other penalties for offences against the said acts are made recoverable: provided always, that in such case a moiety of the penalty shall not go to the informer, but the whole shall go to the registrar general, or such other person as the commissioners of the treasury shall appoint, for the use of her majesty.

Certificates, &c. required to be given to any superintendent registrar may be given to any registrar, who is to forward the same, &c.

XXIX. And be it enacted, that in every case in which any rector, vicar, or curate is required by either of the said acts for marriages, and for registering births, deaths, and marriages, or by this act, to give or deliver any notice, certificate, or certified copy to any superintendent registrar, it shall be sufficient for such rector, vicar, or curate to give or deliver the same to some registrar under the superintendence of such superintendent registrar; and every registrar on receiving any such notice, certificate, or certified copy shall give or deliver the same to the superintendent registrar; and each superintendent registrar shall direct the registrars of births and deaths under his superintendence quarterly or oftener if he shall think fit or shall be so ordered to do by the registrar general to collect the notices, certificates, and certified copies from every rector, vicar, and curate within his district.

Authority for administering oaths.

XXX. And for removing of all doubt with regard to the administration of oaths, be it enacted, that every person before whom by the said acts or either of them an oath is directed to be taken is hereby authorized to administer the same.

Limitation as to summary convictions.

XXXI. And be it enacted, that the prosecution for every offence punishable upon summary conviction by virtue of the said acts or this act shall be commenced within three months after the commission of such offence.

XXXII. And be it enacted, that no stamp duty shall be required nor shall any duty be chargeable on any licence under the hand and seal of any bishop, or any other instrument necessary for authorizing the solemnization of marriages in any chapel according to the provisions of the said act for marriages.

Stamp duty not payable on licensing chapels for marriages.

XXXIII. And be it enacted, that the banns of marriage of any persons may be published in any chapel licensed by the bishop, according to the provisions of the said act for marriages, for the solemnization of marriages, in which those persons might lawfully be married; and instead of the notice required by the said act the words "Banns may be published and marriages may be solemnized in this chapel" shall be placed in some conspicuous part in the interior of every such chapel.

Banns may be published in chapels where marriages may be solemnized.

XXXIV. And whereas doubts may arise whether under the said recited acts it is lawful for the bishop to license chapels for marriages between parties one only of whom resides within the district specified in such licence; be it therefore enacted and declared, that all such licences shall be construed to extend to and authorize marriages in such chapels between parties one or both of whom is or are resident within the said district: provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts the banns for such marriage shall be published as well in the church or chapel wherein such marriage is intended to be solemnized as in the chapel licensed under the provisions of the said recited act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last mentioned party might be legally published if the said recited act had not been passed.

Marriages may be in licensed chapels though only one of the parties is resident in district.

Publication of banns where the parties reside in different districts.

XXXV. And whereas certain provisions are made in the act intituled *an act for marriages in England*, relating to the celebration of marriages in separate buildings; be it enacted, that any building which shall have been licensed and used during one year next before registration for public religious worship as a Roman catholic chapel exclusively shall be taken to be a separate building for the purpose of being registered for the celebration of marriages, notwithstanding the same shall be under the same roof with any other building, or shall form a part only of a building.

Any building used exclusively as a Roman catholic chapel for one year may be registered for celebration of marriages

XXXVI. And whereas it is enacted in the said recited act for marriages in *England*, that where by any law or canon in force before the passing of the said act it is provided that any marriage may be solemnized after publication of banns, such marriage may be solemnized in like manner on production of the registrar's certificate as thereafter provided; be it enacted, that the giving of notice to the superintendent registrar, and the issue of the superintendent registrar's certificate, as in the said act and by this act provided, shall be used and stand instead of the publication of banns to all intents and purposes where no such publication shall have taken place; and every parson, vicar, minister, or curate in *England* shall solemnize marriage after such notice and certificate as aforesaid in like manner as after due publication of banns: provided always, that the church wherein any marriage according to the rites of the church of *England*

Notice to superintendent registrar, and issue of certificate by him, to be used and stand instead of banns.

shall so be solemnized shall be within the district of the superintendent registrar by whom such certificate as aforesaid shall have been issued.

3 & 4 VICTORIA, CAP. 72.—*An act to provide for the solemnization of marriages in the districts in or near which the parties reside.*—

4 G. 4, c. 76. Whereas by an act passed in the fourth year of the reign of king George the fourth, intituled *an act for amending the laws respecting the solemnization of marriage in England*, it is provided, that in all cases where banns shall have been published, the marriage shall be solemnized in one of the parish churches or chapels where such banns shall have been published, and in no other place whatsoever: and whereas by an act passed in the seventh year of the reign of his late majesty, intituled *an act for marriages in England*, provision is made for marriages intended to be solemnized in *England*, after notice given, according to the forms authorized by the last recited act, which act has been explained and amended by an act passed in the first year of the reign of her present majesty: and whereas it is expedient to restrain marriages under the said act of his late majesty from being solemnized out of the district in which one of the parties dwells, unless either of the parties dwells in a district within which there is not any registered building, wherein, under the provisions of the said act of his late majesty, as explained and amended by the said act of her present majesty, marriage is solemnized according to the form, rite, or ceremony the parties see fit to adopt: be it therefore declared and enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it is not and shall not be lawful for any superintendent registrar to give any certificate of notice of marriage where the building in which the marriage is to be solemnized, as stated in the notice, shall not be within the district wherein one of the parties shall have dwelt for the time required by the said act of his late majesty, except as hereinafter is enacted.

Certificate of notice not to be granted for marriage out of the district where the parties dwell except as hereinafter enacted.

In what case marriage may be solemnized out of the district in which the parties dwell.

II. And be it enacted, that it shall be lawful for any party intending marriage under the provisions of the said act of his late majesty, in addition to the notice required to be given by that act, to declare at the time of giving such notice, by indorsement thereon, the religious appellation of the body of christians, to which the party professeth to belong, and the form, rite, or ceremony which the parties desire to adopt in solemnizing their marriage, and that to the best of his or her knowledge and belief, there is not within the district in which one of the parties dwells any registered building in which marriage is solemnized according to such form, rite, or ceremony, and the district nearest to the residence of that party in which a building is registered wherein marriage is so solemnized, and the registered building within such district in which it is intended to solemnize their marriage; and after the expiration of seven days or twenty-one days, as the case may require, under the said act of his late majesty, it shall be lawful for the superintendent registrar to whom any such notice shall have been given to issue his certificate, according to the provisions of that act; and after the issuing of such certificate the parties shall be at liberty to solemnize their marriage

in the registered building stated in such notice: provided always, that after any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the truth of the facts herein authorized to be stated in the notice, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

III. And be it enacted, that the additional notice hereinbefore authorized to be given may be according to the form in the schedule to this act annexed, or to a like effect.

Form of
notice.

IV. And be it enacted, that every person who shall knowingly and wilfully make any false declaration under the provisions of this act, for the purpose of procuring any marriage out of the district in which the parties or one of them dwell, shall suffer the penalties of perjury: provided always, that no such prosecution shall take place after the expiration of eighteen calendar months from the solemnization of such marriage.

Persons
making false
declarations
guilty of
perjury.

V. Provided always, and be it enacted, that, notwithstanding any thing herein or in the said recited acts or either of them contained, the society of friends commonly called *Quakers*, and also persons professing the *jewish* religion, may lawfully continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively, after notice for that purpose duly given, and certificate or certificates duly issued, pursuant to the provision of the said recited act of his late majesty, notwithstanding the building or place wherein such marriage may be contracted or solemnized be not situate within the district or either of the districts (as the case may be) in which the parties shall respectively dwell.

Provision as
to marriages
of members
of the soci-
ety of friends
and Jews.

VI. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be
amended this
session.

Schedule to which this Act refers.

I, the undersigned and within named *James Smith*, do hereby declare, that I, being [*here insert a member of the church of England, a Roman Catholic, Independent, Baptist, Presbyterian, Unitarian, or such other description of the religion of the party*], and the within named *Martha Green*, in solemnizing our intended marriage, desire to adopt the form, rite, or ceremony of the [*Roman Catholic church, Independents, Baptists, Presbyterians, Unitarians, or other description of the form, rite, or ceremony the parties state it to be their desire to adopt*]; and that to the best of my knowledge and belief there is not within the superintendent registrar's district in which [*I dwell,*] or [*in which the said Martha Green dwells*], any registered building in which marriage is solemnized according to such form, rite, or ceremony; and that the nearest district to [*my dwelling place*], or to [*the dwelling place of the said Martha Green*], in which a building is registered wherein marriage may be solemnized according to such form, rite, or ceremony, is the [*here insert the name by which the superintendent registrar's district is designated*]; and that we intend to solemnize our marriage in the registered building within that district known by the name of [*here insert the name by which the*

building has been registered.] Witness my hand this *tenth* day of *August one thousand eight hundred and forty*.

(Signed)

James Smith.

[The *Italics* in this schedule to be filled as the case may be.]

59 G. 3, c. 134. 7 & 8 VICTORIA, CAP. 56.—*An act concerning banns and marriages in certain district churches or chapels.*—Whereas an act was passed in the fifty-ninth year of the reign of king *George the third*, intituled *an act to amend and render more effectual an act passed in the last session of parliament, for building and promoting the building of additional churches in populous parishes:* and whereas another act was passed in the second year of the reign of his late majesty, intituled *an act to amend and render more effectual an act passed in the seventh and eighth years of the reign of his late majesty, intituled an act to amend the acts for building and promoting the building of additional churches in populous parishes:* and whereas another act was passed in the second year of the reign of her present majesty, intituled *an act to amend and render more effectual the church building acts:* and whereas another act was passed in the fourth year of the reign of her said majesty, intituled *an act to further amend the church building acts:* and whereas doubts are entertained whether banns of matrimony can be published or marriages be solemnized in churches or chapels to which districts have been or may hereafter be assigned under the said recited act passed in the second year of the reign of his late majesty; and it is expedient to remove such doubts: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every case in which a district has been or shall be assigned to any church or chapel under the provisions of the said last mentioned act it shall be lawful for her majesty's commissioners for building new churches, with the consent of the bishop of the diocese, in every such case as has come or shall come before the said commissioners under the provisions of the said last mentioned act, and for the said bishop in every such other case, to determine whether banns of matrimony shall be published and marriages solemnized in any such church or chapel aforesaid or not.

Where a district is assigned under last recited act the church building commissioners or the bishop to decide as to banns and marriages.

Proceedings in cases where it shall be determined that banns may be published and marriages solemnized.

II. And be it enacted, that when and so soon as it shall be determined that banns of matrimony may be published and marriages solemnized in any such church or chapel, the bishop of the diocese within which such church or chapel shall be locally situated, whether in any parish or extra-parochial place, or otherwise, shall certify the same, and such certificate shall be kept in the chest of the church or chapel with the books of registry thereof, and a copy thereof shall be entered in the books of the registry of banns and marriages, and a duplicate of such certificate shall be registered in the registry of the diocese, and such certificate shall be deemed and taken to be conclusive evidence in all courts, and in all questions relating to any banns published or marriages solemnized in any such church or chapel, that the same might according to law respectively be published and solemnized in such church or chapel, and that all banns published and marriages solemnized in any such church or chapel

according to the laws and canons in force within this realm in that behalf shall after the granting of such certificate be good to all intents and purposes whatsoever: provided always, that no banns or marriages respectively published or solemnized according to the laws and canons in force within the realm in that behalf in any church or chapel in which the same are authorized to be respectively published, solemnized, and had by the said recited acts or this act, or either of them, shall be invalid by reason of any such certificate not having been duly given, or registered or entered, as hereinbefore required: provided also, that all fees, dues, offerings, and other emoluments on account of such marriages, whether of right or custom, belonging to the incumbent or clerk of any parish, chapelry, or place in which such church or chapel has been erected, shall be received by or for or on account of such incumbent or clerk respectively, and be paid over to them, except such of the said fees, dues, offerings, or other emoluments, or such portions thereof, as the said commissioners, with the consent of the bishop of the diocese, the patron, and the said incumbent respectively, in those cases which shall come before the said commissioners, by order made under their common seal, or the bishop of the diocese alone, with the consent of the patron and incumbent, in all other cases, by order under his hand and seal, shall assign to the minister of such church or chapel; and every such instrument of assignment shall be registered in the registry of the bishop of the diocese within which said church or chapel shall be locally situated: provided always, that nothing hereinbefore contained shall be construed to take away from existing parish clerks any fees, dues, or emoluments to which they are now by law or custom entitled.

How fees to
be disposed
of.

III. And whereas, by error, banns have been published, and divers marriages have been solemnized, in chapels with districts assigned to them under the provisions of the hereinbefore recited acts or some of them, but in which chapels banns could not be legally published, nor marriages by law be solemnized; and it is expedient to remove all doubts, arising from the circumstances aforesaid, touching the validity of such marriages; be it therefore enacted, that banns already published, and marriages already solemnized, in such chapels as aforesaid, shall not hereafter be questioned on account of the said banns having been published, or the said marriages solemnized, in any such chapel as aforesaid; and the minister or ministers who solemnized the same shall not be liable to any ecclesiastical censure, or to any other proceedings or penalties whatsoever, by reason thereof; and the registers of all marriages so solemnized as aforesaid, or copies of such registers, shall be received in all courts of law and equity as evidence of such marriages respectively.

The validity
of marriages
in certain
chapels with
districts as-
signed to
them not to
be question-
ed.

IV. And be it enacted, that where a chapelry has been already or shall hereafter be assigned to any chapel under the provisions of the hereinbefore recited act passed in the fifty-ninth year of the reign of king *George* the third, and the order in council assigning such chapelry does not direct that marriages may be performed in such chapel, it shall be lawful for her majesty, by any supplemental order in council, on a representation to be made to her by the said commissioners, with the consent of the bishop of the diocese, to order

Omissions
to authorize
marriages in
chapels may
be cured by
supplemen-
tal order.

that marriages may be performed thereafter in such chapel; and that all the fees arising therefrom, or a part thereof, should thereafter belong and be paid to the minister of such chapel, or after the next avoidance of the parish church, or that all or a portion of such fees should belong and be paid to the incumbent of such parish church; and all the laws in force relating to banns of marriage, and marriages in district chapels, and the registering thereof, shall apply to marriages performed under such supplemental order in council.

In any representation to the queen in council, &c. the number of the section of the act under which such representation, &c. is made need only be recited.

V. And be it enacted, that in any representation to her majesty in council, or in any order of council to be made thereon, or in any other matter or thing done under their common seal by the said commissioners under the authority of the hereinbefore recited acts or any other act of parliament, it shall be sufficient to refer to the section or sections as numbered in copies printed by the queen's printer of the act or acts under the authority whereof such representation or order in council is made, or such matter or thing done, and it shall not be necessary to recite any of the provisions of such section or sections.

Every order in council under the church building acts to be inserted in the London Gazette, and registered with a map and description of boundaries, but the map not required to be enrolled in chancery.

VI. And be it enacted, that every order in council under the provisions of the hereinbefore recited acts or any of them, or under the provisions of any other of the church building acts, shall, as soon as may be after the making thereof by her majesty in council, be inserted and published in the *London Gazette* in like manner as any order in council made under the acts regulating the proceedings of the ecclesiastical commissioners of *England* is published in such *Gazette*, and it shall not be necessary to enrol in the court of chancery any map or plan or description of the boundaries of any division or district formed under the provisions of the hereinbefore recited acts, or any other of the church building acts; and a map or plan on which shall be marked such boundaries, and which shall be sealed with the common seal of the said commissioners for building new churches, and the order in council annexed thereto, shall be registered in the registry of the diocese in the manner directed by the act passed in the fourth year of the reign of her present majesty, intituled *an act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues*, and shall be subject to such and the like provisions in all respects relating thereto as are contained in the same act: provided always, that nothing in this act contained shall be taken to repeal or affect any of the authorities contained in an act of parliament passed in the seventh year of the reign of his late majesty, intituled *an act for marriages in England*, for licensing any churches or chapels for the solemnization of marriages therein.

3 & 4 Vict. c. 113.

Not to affect 6 & 7 W. 4, c. 85, as to licensing churches, &c. for solemnization of marriages.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES, IRELAND.

51 GEORGE 3, CAP. 37.—*An act further to prevent the marriage of lunatics.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 282.

58 GEORGE 3, CAP. 81, SEC. 3.—*An act for extending to that part of the united kingdom called Ireland certain provisions of the parliament of Great Britain in relation to executors under the age of twenty-one years, and to matrimonial contracts.*

III. And be it further enacted by the authority aforesaid, that in no case whatsoever shall any suit or proceeding be had in any ecclesiastical court of that part of the united kingdom called *Ireland*, in order to compel a celebration of any marriage in *facie ecclesiæ*, by reason of any contract of matrimony whatsoever, whether *per verba de presenti*, or *per verba de futuro*, which shall be entered into after the end and expiration of ten days next after the passing of this act; any law or usage to the contrary notwithstanding.

No proceeding to compel a celebration of marriage in *facie ecclesiæ* by reason of contract.

3 & 4 WILLIAM 4, CAP. 102.—*An act to repeal certain penal enactments made in the parliament of Ireland against Roman catholic clergymen for celebrating marriages contrary to the provisions of certain acts made in the parliament of Ireland.*—Whereas Roman catholic clergymen were by certain acts of the parliament of *Ireland* rendered liable to punishment, pains, and penalties for celebrating marriages contrary to the provisions thereof, to which punishment, pains, and penalties no other clergymen or ministers are liable: and whereas it is expedient to amend the law in this respect: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the following acts made in the parliament of *Ireland*, (that is to say), of an act passed in the sixth year of the reign of queen *Anne*, intituled *an act for the more effectual preventing the taking away and marrying children against the will of their parents or guardians*; also of an act passed in the twelfth year of the reign of king *George* the first, intituled *an act to prevent marriages by degraded clergymen and popish priests, and for preventing marriages consummated from being avoided by pre-contracts, and for the more effectual preventing of bigamy*; also of an act passed in the twenty-third year of the reign of king *George* the second, intituled *an act for explaining and making more effectual an act, intituled an act for the more effectual preventing clandestine marriages*; and another act passed in the twelfth year of his late majesty's reign, intituled *an act for preventing marriages by degraded clergymen and popish priests, and for preventing marriages consummated from being avoided by pre-contracts, and for the more effectual punishing of bigamy*; also of an act passed in the thirty-third year of the reign of king *George* the third, intituled *an act for the relief of his majesty's popish or Roman catholic subjects of Ireland, as contains any penal enactment which exclusively affects a Roman catholic clergyman celebrating marriage between any persons,*

So much of the acts here-in named of 6 Anne (I.)

12 G. 1, (I.)

23 G. 2, (I.)

12 G. 3, (I.)

33 G. 3, (I.) as makes it felony for Roman catholic clergymen to celebrate

marriages
between pro-
testants, &c.
repealed.

knowing them or either of them at the time of such marriage to be of the protestant religion, or as declares or enacts that any Roman catholic clergyman who shall celebrate any marriage between two protestants or reputed protestants, or between a protestant or reputed protestant and a Roman catholic, shall be guilty of felony, and suffer death as a felon, without benefit of clergy or of the statute, or as enacts and declares that any Roman catholic clergyman who shall celebrate any marriage between two protestants, or between any such protestant and papist, unless such protestant and papist shall have been first married by a clergyman of the protestant religion, shall forfeit the sum of five hundred pounds to his majesty upon conviction thereof, shall from and after the passing of this act be repealed, and that so much and such parts only of the said recited acts are hereby repealed.

Nothing
herein to ex-
tend to any
former pro-
ceedings, nor
to affect any
of the recited
acts that re-
peal former
acts.

II. Provided always, and be it enacted, that nothing herein contained shall extend to any proceeding, criminal or civil, commenced before the passing of this act; and that nothing herein contained shall be construed to repeal so much of any of the said recited acts as expressly or by implication repeals any former act or acts, nor to revive or recognize any enactment as being in force at the time of the passing of this act which by any act heretofore made was expressly or by implication repealed or altered.

Act not to
give validity
to any cere-
mony not
now valid,
&c.

III. And be it further enacted, that nothing in this act shall extend or be construed to extend to the giving validity to any marriage ceremony in *Ireland*, which ceremony is not now valid under the existing laws, or to the repeal of any enactments now in force for preventing the performance of the marriage ceremony by degraded clergymen.

Marriages
heretofore
celebrated by
presbyterian
or other dis-
senting mi-
nisters, &c.
to be of force
as if solem-
nized by
clergymen of
established
church.

5 & 6 VICTORIA, CAP. 113.—*An act for confirmation of certain marriages in Ireland.*—Whereas marriages have in divers instances been had and celebrated in *Ireland* by presbyterian and other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons being of the same or different religious persuasions, and it is expedient to confirm such marriages: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages heretofore had and celebrated in *Ireland* by presbyterian or other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be, and shall be adjudged and taken to have been and to be, of the same force and effect in law as if such marriages had been had and solemnized by clergymen of the said united church of *England* and *Ireland*, and of no other force nor effect whatsoever.

This act not
to affect cer-
tain mar-
riages.

II. Provided always, and be it enacted, that nothing in this act contained shall extend or be construed to extend to or affect any marriage declared invalid by any court of competent jurisdiction before the passing of this act, nor any marriage where either of the parties shall, at any time afterwards during the life of the other party, have lawfully intermarried with any other person, nor any marriage respecting which any criminal prosecution shall be depending at the time of the passing of this act.

III. Provided further, and be it enacted, that nothing in this act contained shall extend or be construed to extend to or affect any act done before the passing of this act under the authority of any court, or in the administration of any personal estate or effects, or the execution of any will or testament, or the performance of any trust.

Any act already done by authority of a court, &c. not affected.

IV. And be it enacted, that this act may be amended, altered, or repealed by any act to be passed in this present session of parliament.

Act may be amended, &c.

6 & 7 VICTORIA, CAP. 39.—*An act for confirmation of certain marriages in Ireland.*—Whereas marriages have in divers instances been had and celebrated in *Ireland*, by presbyterian and other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons being of the same or different religious persuasions; and it is expedient to confirm such marriages: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages had and celebrated in *Ireland*, since the passing of an act passed in the last session of parliament, intituled *an act for confirmation of certain marriages in Ireland*, and before the passing of this act, by presbyterian or other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be, and shall be adjudged and taken to have been and to be, of the same force and effect in law as if such marriages had been had and solemnized by clergymen of the united church of *England* and *Ireland*, and of no other force nor effect whatsoever.

Certain marriages celebrated in *Ireland* by protestant dissenting ministers to be the same in law as if solemnized by clergymen of the established church

II. And be it enacted, that this act may be amended, altered, or repealed by any act to be passed in this present session or parliament.

Act may be amended, &c.

7 & 8 VICTORIA, CAP. 81.—*An act for marriages in Ireland; and for registering such marriages.*—Whereas it is expedient to amend the law of marriages in *Ireland*, and to provide the means for a register of the marriages of her majesty's subjects in that part of the united kingdom: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the thirty-first day of *March* in the year one thousand eight hundred and forty-five all the rules prescribed by the rubric concerning the solemnizing of marriages shall continue to be duly observed, except as hereinafter provided, by every person in holy orders of the united church of *England* and *Ireland* who shall solemnize any marriage in *Ireland*: provided always, that the giving of notice to the registrar and the issue of the registrar's certificate for marriage without licence, as hereinafter mentioned, may be used and shall stand instead of the publication of banns, to all intents and purposes, where no such publication shall have been made; and every person in holy orders of the united church of *England* and *Ireland* shall be bound to solemnize marriage on production of such certificate, in like manner as he is required to do by any law or canon now in force, after due publication of banns, so nevertheless that the church wherein any marriage according to the rites of the united church of *England* and *Ireland*

After 31st of March 1845 all rules prescribed by the rubric to continue to be observed.

Marriages shall be solemnized on production of registrar's certificate.

shall so be solemnized shall be within the district of the registrar by whom such certificate as aforesaid shall have been issued.

Nothing herein to affect the right of granting special licences.

Notice to be given to surrogate before licence.

Entry of notices.

Fee for entry.

No security required before granting licence. Notice void after three months.

Roman catholic marriages not affected.

Marriages between parties, one or both of whom are presbyterians, may be solemnized in certified meeting houses.

II. And be it enacted, that nothing in this act contained shall affect the right of the archbishop of *Armagh* and his successors, and his and their proper officers, to grant special licences to marry at any convenient time or place, or, except as hereinafter provided, the right of any surrogate or other person now having authority to grant licences for marriage; provided that no surrogate or other person now having authority to grant licences for marriages shall grant any licence for marriage, not being a special licence, until seven days after notice shall have been given by one of the parties who shall have resided for not less than seven days then next preceding in the parish named in that notice, under his or her hand, in the form of schedule (A.) to this act annexed, or to the like effect, to such surrogate or other person having authority to grant licences as aforesaid, which notices he shall file and keep with the records of his office, and he shall also forthwith enter a true copy of such notices fairly in a book to be for that purpose furnished to him by the registrar general hereinafter mentioned, to be called "The marriage notice book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and such surrogate or other person shall forthwith send a copy of such notice to the incumbent or incumbents of the parish or parishes in which the parties intending marriage dwell; and for entering every such notice the surrogate or other person shall be entitled to have a fee of one shilling, over and above the accustomed fee for granting the licence; and after the said thirty-first day of *March* no person applying for any such licence shall be required to give any security by bond or otherwise before the grant of such licence; and whenever a marriage shall not be had within three calendar months after the notice shall have been so given to the surrogate or other person as aforesaid, the notice, and any licence which may have been granted thereupon, shall be utterly void.

III. And be it enacted, that nothing in this act contained shall affect any marriages by any Roman catholic priest which may now be lawfully celebrated, nor extend to the registration of any Roman catholic chapel, but such marriages may continue to be celebrated in the same manner and subject to the same limitations and restrictions as if this act had not been passed.

IV. And be it enacted, that marriages between parties, both of whom are presbyterians, may be solemnized according to the forms used by presbyterians, either by the licence of a presbyterian minister, or by publication of banns, as hereinafter respectively mentioned, in meeting houses to be certified as hereinafter mentioned, between the hours of eight in the morning and two in the afternoon, with open doors, and in the presence of two or more credible witnesses; and marriages between parties, of whom one only is a presbyterian, may be solemnized according to the same forms, by such licence of a presbyterian minister, in such meeting houses, between the same hours, with open doors, and in the presence of two or more credible witnesses; provided that in either case there be no lawful impediment to the marriage of such parties.

V. And be it enacted, that after the said thirty-first day of *March*, in every case in which a marriage shall be proposed to be solemnized by a presbyterian minister between two presbyterians, otherwise than by licence, banns of matrimony shall be published by or in the presence of a presbyterian minister in the presbyterian meeting house, certified as hereinafter is mentioned, frequented by the congregation of which the parties to be married shall be members, upon three *Sundays* preceding the solemnization of the marriage, during the time of divine service, and any such marriage by a presbyterian minister shall be solemnized in such meeting house, and not elsewhere; and whenever it shall happen that the parties to be married by a presbyterian minister shall be members of different congregations the banns shall in like manner be published in the certified presbyterian meeting house frequented by the congregation of which each of the parties to be married shall be a member; and in every such last mentioned case of publication of banns the presbyterian minister by or in whose presence such banns shall be published shall, in writing under his hand, certify the publication thereof; and any such marriage by a presbyterian minister shall be solemnized in one of the certified presbyterian meeting houses where such banns shall have been published, and in no other place whatsoever; and before such marriage shall be solemnized the certificate of the presbyterian minister by whom or in whose presence the banns shall have been published in the other certified meeting house shall be delivered to the presbyterian minister solemnizing such marriage.

Banns to be published in cases where both of the parties to be married are members of presbyterian congregations.

VI. And be it enacted, that no presbyterian minister shall publish or allow to be published any banns of matrimony in any presbyterian meeting house of which he is minister, unless the persons to be married shall, six days at the least before the time required for the first publication of such banns, deliver or cause to be delivered to such presbyterian minister a notice in writing of their true christian and surnames, and of the congregation or congregations of which they shall respectively be members, and of the house or houses of their respective abodes, and of the time during which they have dwelt, inhabited, or lodged in such house or houses respectively.

Notice of the names, places of abode, and time of residence of the parties to be given to the minister six days before publication of banns.

VII. And be it enacted, that each presbytery of presbyterians in *Ireland* may from time to time, subject to the approbation of the lord lieutenant, appoint one or more ministers, who shall certify to the registrar hereinafter mentioned that the meeting house to be described in every such certificate is within such presbytery, and is used as a place of public religious worship by presbyterians in connection with such presbytery; and such minister shall deliver to the registrar such certificate, signed in duplicate by him; and the registrar shall send both certificates to the registrar general, who shall cause such meeting house to be registered accordingly in a book to be kept for that purpose at the general register office hereinafter mentioned; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such meeting house in a book to be furnished to him for

Each presbytery to appoint ministers to certify meeting houses.

Registry thereof.

that purpose by the registrar general, and shall give a certificate of such registry, under his hand, on parchment or vellum, to the minister by whom the certificates shall have been signed, and shall give public notice of the registry thereof by advertisement in some newspaper circulated within the county, and in the *Dublin Gazette*; and for every such entry, certificate, and publication the registrar shall receive at the time of delivery to him of the certificates the sum of one pound; and every such minister shall continue to exercise the powers given to him by this act during the pleasure of the lord lieutenant.

Such ministers to grant licences for marriages to be solemnized in presbyterian meeting houses.

VIII. And be it enacted, that every such minister so appointed and approved as aforesaid shall have authority to grant licences for marriage in any presbyterian meeting house, certified as aforesaid within his presbytery, in the form of schedule (C.) to this act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and in any case in which such minister shall refuse to grant such licence the person applying for the same shall be entitled to appeal to the presbytery by which such minister shall have been appointed, which shall thereupon either confirm the refusal or direct the grant of the licence; and every such presbyterian minister shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: provided always, that no such minister shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office.

Minister to give security.

Before licence granted one of the parties to appear before the minister, and to take a certain oath, &c.

IX. And be it enacted, that before any licence for marriage as last aforesaid shall be granted by any such presbyterian minister, one of the parties intending marriage shall appear personally before such minister, and such party shall make and subscribe an oath, or a solemn affirmation or declaration instead of taking an oath, which oath, affirmation, or declaration such minister is hereby authorized to administer, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the presbytery within which the marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, when either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

Person applying for a licence to produce from the minister of the congregation of which such person shall

X. And be it enacted, that the party so appearing personally before the minister authorized to grant licences as aforesaid shall, seven days before the licence shall be delivered to him, produce to such minister a certificate according to the form in schedule (D.) to this act annexed, or to the like effect, from the minister of the congregation of which he or she shall be a member, and has been a

member for at least one calendar month preceding, which certificate the minister authorized to grant licences as aforesaid shall carefully file and preserve in such place and manner as the presbytery shall direct, and shall also forthwith enter a true copy of all such certificates fairly into a book to be for that purpose furnished to him by the registrar general, to be called "The marriage notice book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for entering every such notice the minister shall be entitled to a fee of one shilling.

be a member a certificate in a given form.

XI. And be it enacted, that any person may enter a caveat with the minister so appointed and approved against the grant of a licence for the marriage of any person named therein; and if any caveat be entered with such minister, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no licence shall issue or be granted until the minister shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; and in cases of doubt it shall be lawful for such minister to refer the matter of any such caveat to the presbytery by which he shall have been appointed, which shall decide upon the same.

Caveat may be lodged with the minister against grant of licence.

XII. And be it enacted, that the society of friends commonly called *Quakers*, and also persons professing the *jewish* religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively; and every such marriage shall be deemed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the *jewish* religion respectively; provided also, that notice to the registrar shall have been given, and the registrar's certificate shall have issued in manner hereinafter provided.

Marriages of Quakers and Jews.

XIII. And be it enacted, that in every case of marriage intended to be solemnized in *Ireland* after the said thirty-first day of *March* according to the rites of the united church of *England* and *Ireland* (unless by licence or by special licence, or after publication of banns), and in every case of marriage intended to be solemnized in *Ireland* after the said thirty-first day of *March* according to the usages of the *Quakers* or *Jews*, or according to any form authorized by this act, one of the parties shall give notice under his or her hand, in the form of schedule (A.) to this act annexed, or to the like effect, to the registrar, appointed as hereinafter is mentioned, of the district within which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the districts of different registrars shall give the like notice to the registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time not being less than seven days during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, which must be within the district within which one of the parties shall have dwelt for the time last aforesaid; but if either party shall have dwelt in the place stated in the notice during more than one calen-

Notice of intended marriage to be given to the registrar of the district.

Proviso.

dar month it may be stated therein that he or she hath dwelt there one month and upwards: provided always, that no such notice shall be required for any marriage by a Roman catholic priest which may now lawfully be celebrated, or when the marriage is intended to be solemnized by a presbyterian minister between two persons, both or one of whom shall be presbyterians, in a presbyterian meeting house certified as aforesaid.

Registrar to keep notices in a book.

XIV. And be it enacted, that the registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the registrar general, to be called "The marriage notice book;" the cost of providing which shall be defrayed in like manner as the cost of providing the register book hereinafter mentioned; and the marriage notice book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for every such entry the registrar shall be entitled to have a fee of one shilling.

Notices to be published.

XV. And be it enacted, that on the day previous to each weekly meeting of the guardians of any poor law union, or of any parish or place comprising the district for which such registrar shall act, the registrar shall transmit to the clerk to the guardians all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this act that such notices shall be read at every meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered; and if no meeting be held within twenty-one days from the day of such notice being entered, the entry of such notice shall be sufficient for the purposes aforesaid.

After seven days, or twenty-one days, certificate of notice to be given, upon demand.

XVI. And be it enacted, that after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the day of the entry of such notice, the registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of schedule (B.) to this act annexed, provided that no lawful impediment be shown to the satisfaction of the registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days (as the case may be) has elapsed since the day of the entry of such notice, and that the issue of such certi-

ificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the registrar shall be entitled to have a fee of one shilling.

XVII. And be it enacted, that the registrar general shall furnish to every registrar a sufficient number of forms of certificates, the cost of which shall be accounted for by the registrar to the registrar general; and in order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a water mark in the form of the word "Licence," in roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence shall be written or printed; and every certificate to be issued for marriage by licence shall be printed with red ink, and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificate shall be used from time to time as shall seem fit to the registrar general.

Forms of certificates to be furnished.

Certificates for marriage by licence to be distinguishable from other certificates.

XVIII. And be it enacted, that any person authorized in that behalf may forbid the issue of the registrar's certificate by writing at any time before the issue of such certificate the word "Forbidden" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden the notice and all proceedings thereupon shall be utterly void.

Issue of registrar's certificate may be forbidden.

XIX. And be it enacted, that after the said thirty-first day of *March* no marriage shall be solemnized in *Ireland* by licence either of a surrogate or deputy surrogate, or of a presbyterian minister or a registrar, as herein provided, where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, unless the consent of the father of such of the parties so under age (if then living) be first had and obtained, or if dead of the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there shall be no such guardian or guardians, then of the mother of such party, if unmarried, and if there shall be no mother unmarried, then of the guardian or guardians appointed by the court of chancery, if any, or one of them; and every person whose consent to a marriage by licence is required as aforesaid shall be authorized to enter a caveat against the issue of licence by any person empowered by this act to grant licences, and shall be also authorized to forbid the publication of banns in any church or chapel, or certified presbyterian meeting house, and to forbid the issue of the registrar's certificate.

Who are to give consent if parties are under age.

XX. Provided always, and be it enacted, that if the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be *non compos mentis*, or the guardian or guardians, mother or mothers, or any of them, whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall be lawful for any person desirous of

Who to give consent in case of incapacity of parents and guardians.

marrying in any of the before mentioned cases to apply by petition to the lord chancellor or the lords commissioners of the great seal of *Ireland* for the time being, or master of the rolls, who shall be empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to be proper, the said lord chancellor, lords commissioners of the great seal for the time being, or master of the rolls, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother, of the person so petitioning, had consented to such marriage.

Registrar
may grant
licences for
marriage.

Registrar to
give secu-
rity.

Proviso.

Certificate to
be given
before the
licence is
granted.

XXI. And be it enacted, that after the said thirty-first day of *March* every registrar shall have authority to grant licences for marriage in any building registered as hereinafter provided within his district, or in his office, in the form of schedule (E.) to this act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and every registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: provided always, that no registrar shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office: provided also, that nothing herein contained shall authorize any registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the united church of *England* and *Ireland*, or in any church or chapel belonging to the said united church, or licensed for the celebration of divine worship according to the rites and ceremonies of the said united church, or any licence for a marriage between two persons, both or one of whom shall be presbyterians, in a presbyterian meeting house certified as aforesaid.

XXII. And be it enacted, that before any licence for marriage shall be granted by any such registrar one of the parties intending marriage shall appear personally before such registrar, and, in case the notice of such intended marriage shall not have been given exclusively to such registrar, shall deliver to him the certificate of the other registrar to whom such notice shall have been given, and such party shall make oath, or shall make his or her solemn affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, where either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

XXIII. And be it enacted, that any person, upon the payment of the sum of five shillings, may enter a caveat with the registrar against the grant of a certificate or a licence for the marriage of any person named therein; and if any caveat be entered with the registrar, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate or licence shall issue or be granted until the registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate or licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; provided that in cases of doubt it shall be lawful for the registrar to refer the matter of any such caveat to the registrar general, who shall decide upon the same; provided likewise, that in case of the registrar refusing the grant of the certificate or licence the person applying for the same shall have a right to appeal to the registrar general, who shall thereupon either confirm the refusal or direct the grant of the certificate or licence.

Caveat may be lodged with registrar against grant of licence or certificate.

XXIV. And be it enacted, that after the said thirty-first day of *March* no marriage after such notice as aforesaid, unless by virtue of a licence to be granted by the registrar, shall be solemnized or registered in *Ireland* until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid; and no marriage shall be solemnized by the licence of any registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid.

Marriages not to be solemnized until after twenty-one days after entry of notice, unless by licence.

XXV. And be it enacted, that whenever a marriage shall not be had within three calendar months after the day on which the notice shall have been so entered by the registrar, the notice and certificate, and any licence which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

New notice required after three months.

XXVI. And be it enacted, that the registrar's certificate, or, in case the parties shall have given notice to the registrars of different districts, the certificate of each registrar, shall be delivered to the officiating minister, if the marriage shall be solemnized according to the rites of the united church of *England* and *Ireland*, or to the registering officer of the people called *Quakers* for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people, or to the officer of a synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the *jewish* religion, and in all other cases shall be delivered to the registrar present at the marriage, as hereinafter provided, and shall be by him kept with the records of his office.

Registrar's certificate or licence to be delivered to the person by or before whom the marriage is solemnized.

XXVII. And be it enacted, that any proprietor or trustee of a separate building, being a place of religious worship, may apply to the registrar of the district, in order that such building may be registered for solemnizing marriages therein, and in such case shall

Places of worship may be registered for solemnizing marriages therein.

deliver to the registrar a certificate, signed in duplicate by ten householders at the least, that such building has been used by them during one year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered; and the registrar shall send both certificates to the registrar general, who shall cause such building to be registered accordingly in a book to be kept for that purpose at the general register office; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the *Dublin Gazette*; and for every such entry, certificate, and publication the registrar shall receive at the time of the delivery to him of the certificates the sum of one pound.

On removal of the same congregation, the new place of worship may be immediately registered instead of the one disused.

XXVIII. And be it enacted, that if at any time subsequent to the registry of any such building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled; provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the registrar of the district; and such cancelling or substitution, when made, shall be made known by the registrar general to the registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancelling or substitution and registry in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the registrar shall receive from the party requiring the substitution the sum of one pound; and after such cancelling or substitution shall have been made by the registrar general it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

Marriages may be solemnized in

XXIX. And be it enacted, that after the expiration of the said period of twenty-one days, or of seven days if the marriage is by

licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight in the forenoon and two in the afternoon, in the presence of the registrar of the district in which such registered building is situate, and of two or more credible witnesses; provided also, that in some part of the ceremony, and in the presence of such registrar and witnesses, each of the parties shall declare,

such registered places in the presence of two witnesses.

‘I do solemnly declare, that I know not of any lawful impediment why I *A. B.* may not be joined in matrimony to *C. D.*’

And each of the parties shall say to the other,

‘I call upon these persons here present to witness, that I *A. B.* do take thee *C. D.* to be my lawful wedded wife [*or husband.*.]’

Provided also, that there be no lawful impediment to the marriage of such parties.

XXX. And be it enacted, that any persons who shall object to marry under the provisions of this act in any such registered building may, after due notice and certificate issued as aforesaid, contract and solemnize marriage on any day except *Sunday* at the office and in the presence of the registrar of the district, and in the presence of two witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided in the case of marriage in any such registered building.

Marriages may be celebrated before the registrar at his office.

XXXI. And be it enacted, that the registrar shall be entitled, for every marriage which shall be solemnized under this act in his presence, to have from the parties married the sum of ten shillings if the marriage shall be by licence, and otherwise the sum of five shillings.

Marriage fees to the registrar.

XXXII. And be it enacted, that after any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district or presbytery (as the case may be) wherein such marriage was solemnized for the time required by this act, or of the consent of any person whose consent thereunto is required by law; and where a marriage shall have been solemnized in a certified presbyterian meeting house, it shall not be necessary to prove that either of the parties was a presbyterian, or, if the marriage was by licence, that the certificate required to be delivered to the minister granting such licence had been so delivered, or, where the marriage was by banns, that a certificate of the publication of banns had been produced to the minister by whom the marriage was solemnized, in cases where such production is required by this act; nor shall any evidence be given to prove the contrary of any of these several particulars in any suit touching the validity of such marriage, or in which such marriage shall be questioned.

Proof of residence of parties, or of consent, &c. not necessary to establish the marriage.

XXXIII. And whereas it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the parish church, or from any chapel

Bishops, with consent of patrons, may license

chapels for
the solemn-
ization of
marriages in
populous
places.

wherein marriages may be lawfully celebrated according to the rites and ceremonies of the united church of *England* and *Ireland*, from the inconvenience to which they may be thereby subjected in the solemnization of their marriages; be it therefore enacted, that, with the consent of the patron and incumbent respectively of the church of the parish or district in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the united church of *England* and *Ireland*, or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the united church of *England* and *Ireland*, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the publication of banns and solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the said bishop may seem fit, and as may be specified in the said licence; and the said licence shall be construed to extend to and authorize marriages in such chapels between parties, one or both of whom is or are resident within the said district: provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts, the banns for such marriage shall be published as well in the church or chapel wherein such marriage is intended to be solemnized as in the chapel licensed under the provisions of this act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last mentioned party may be legally published: provided also, that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

Appropriation of fees
on marriages
performed in
such chapels.

XXXIV. And be it enacted, that all fees, dues, and other emoluments on account of the solemnization of marriages, which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid, shall respectively be received, until

the avoidance of such church or chapel next after the passing of this act, for and on account of such incumbent, and until the vacancy in the office of clerk next after the passing of this act for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop, in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last mentioned chapel, as shall be specified in such licence, shall be receivable and the same shall thenceforth be received by or for the minister and clerk of such chapel respectively.

XXXV. And be it enacted, that when the said bishop shall authorize the solemnization of marriages in any such chapel as aforesaid, without the consent of the patron and incumbent respectively, it shall be lawful for them or either of them to appeal within one calendar month to the archbishop of the province, who shall hear the same in a summary manner, and shall make such order, confirming, revoking, or varying the licence so given, as to him shall seem meet and expedient, which order shall be registered in the registry of the diocese, and shall be conclusive and binding on all parties whatsoever.

Patron or incumbent may appeal to the archbishop against such licences.

XXXVI. And be it enacted, that there shall be placed in some conspicuous part in the interior of every chapel in respect of which such licence shall be given as aforesaid a notice in the words following: "Banns may be published and marriages may be solemnized in this chapel."

Notice of such licences to be affixed in chapels.

XXXVII. And be it enacted, that all provisions which shall from time to time be in force relative to marriages, and to providing, keeping, and transmitting register books and copies of registers of marriages solemnized in any parish church, shall extend to any chapel in which the solemnization of marriages shall be authorized as aforesaid, in the same manner as if the same were a parish church; and every thing required by law to be done relating thereto by the rector, vicar, curate, or churchwardens respectively of any parish church shall be done by the officiating minister, chapelwarden, or other person exercising analogous duties in such chapel respectively.

Marriages performed in such chapels to be under the same regulations as those performed in parish churches.

XXXVIII. Provided always, and be it enacted, that, notwithstanding any such licence as aforesaid to solemnize marriages in any such chapel, the parties may, if they think fit, have their marriage solemnized in the parish church, or in any chapel in which heretofore the marriage of such parties or either of them might have been legally solemnized.

Option to parties to be married at parish church.

XXXIX. And be it enacted, that any such licence or order may at any time be revoked by writing under the hand and seal of the bishop of the diocese, with the consent in writing of the archbishop of the province; and such revocation and consent shall be registered in the registry of the diocese, the registrar whereof shall notify the

Bishop, with consent of archbishop, may revoke such licences;

same in writing to the minister officiating in the chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the county, and in the *Dublin Gazette*, and thenceforth the authority to solemnize marriages in such chapel shall cease.

in which case registers to be sent to the incumbent of the parish church.

XL. And be it enacted, that in case of the revocation of the licence to solemnize marriages in any such chapel all registers of marriages solemnized therein under such licence which shall be in the custody or possession of the minister of such chapel at the time of such revocation shall forthwith be transmitted to the incumbent or officiating minister of the parish church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made by and deposited with such incumbent or officiating minister; and that such incumbent or minister shall, when he next transmits to the registrar copies of the registers of marriages solemnized in such parish church, also therewith transmit copies of all such entries as shall have been made in such first mentioned registers subsequent to the date of the last entry a copy whereof was transmitted to the registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the registrar, having first signed his name at the foot of the last entry therein.

Registrars of dioceses to send to the register office yearly lists of licensed chapels within their districts.

XLI. And be it enacted, that the registrar of every diocese shall, within fifteen days after the said thirty-first day of *March*, and also within fifteen days after the first day of *January* in every succeeding year, make out and send through the post office, directed to the registrar general of marriages at his office, a list of all chapels belonging to the united church of *England* and *Ireland* within that diocese wherein marriages may lawfully be solemnized according to the rites and ceremonies of the united church of *England* and *Ireland*, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year cause to be made out and printed a list of all such chapels, and also of all places of public worship registered under the provisions of this act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars; and a copy of such list shall be sent to every registrar.

List of all chapels and buildings registered to be printed.

Marriages under this act cognizable.

XLII. And be it enacted, that every marriage solemnized under this act shall be good and cognizable in like manner as marriages before the passing of this act according to the rites of the united church of *England* and *Ireland*.

Persons vexatiously entering caveat liable to costs and damages.

XLIII. And be it enacted, that every person who shall enter a caveat with the registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages, to be recovered in a special action upon the case by either

of the parties against whose marriage such caveat shall have been entered; and a copy of the declaration of the registrar general, purporting to be sealed with the seal of the general register office, and which seal it shall not be necessary to prove, shall be evidence that the registrar general has declared such caveat to be entered on frivolous grounds, and that they ought not to obstruct the grant of the licence.

XLIV. And be it enacted, that every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by this act, or by falsely representing himself to be acting on behalf of such person, knowing such representation to be false, shall suffer the penalties of perjury.

Persons making false declarations, &c. guilty of perjury.

XLV. And be it enacted, that every person who after the said thirty-first day of *March* shall knowingly and wilfully solemnize any marriage or pretended marriage in *Ireland*, unless by special licence of the archbishop of *Armagh* and his successors, and his or their proper officers, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the united church of *England* and *Ireland*, or a presbyterian meeting house certified as aforesaid, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except in the case of a marriage by any Roman catholic priest which may now be lawfully celebrated, or a marriage between two of the society of friends commonly called *Quakers*, according to the usages of the said society, or between two persons professing the *jewish* religion, according to the usages of the *Jews*); and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage or pretended marriage in the absence of the registrar shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage or pretended marriage in *Ireland* after the said thirty-first day of *March* (except by licence) within twenty-one days after the day of the entry of the notice to the registrar as aforesaid, or if the marriage is by licence within seven days after the day of the entry required by this act made in any marriage notice book, or after three calendar months after the day of such entry, shall be guilty of felony.

Persons unduly solemnizing marriage guilty of felony.

XLVI. And be it enacted, that every person knowingly and wilfully solemnizing any marriage, unless after due publication of banns or licence, or the issue of the registrar's certificate, or who shall knowingly and wilfully grant any such licence or publish any such banns, after the issue of such licence or the publication of such banns shall have been lawfully forbidden by some person authorized as aforesaid, shall be guilty of felony.

Solemnizing marriage without publication of banns, &c.

XLVII. And be it enacted, that every registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the day on which the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence before the expiration of seven days after the day of the

Registrars unduly issuing certificates guilty of felony.

entry of the notice, or any certificate for marriage without licence before the expiration of twenty-one days after the day of the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the day on which the notice shall have been entered by the registrar as aforesaid, or who shall knowingly and wilfully solemnize or permit to be solemnized in his office any marriage herein declared to be null and void, shall be guilty of felony.

Limitation of prosecution.

XLVIII. And be it enacted, that every prosecution under this act, shall be commenced within the space of three years after the offence committed.

Marriages void if unduly solemnized with the knowledge of both parties.

XLIX. And be it enacted, that, except in the case of marriages by Roman catholic priests which may now be lawfully celebrated, if any persons shall knowingly and wilfully intermarry after the said thirty-first day of *March*, in any place other than the church or chapel or certified presbyterian meeting house in which banns of matrimony between the parties shall have been duly and lawfully published, or specified in the licence, where the marriage is by licence, or the church, chapel, registered building or office, specified in the notice and registrar's certificate or licence as aforesaid, or without due notice to the registrar, or without certificate of notice duly issued, or without licence from the registrar, in case such notice or licence is necessary under this act, or in the absence of a registrar where the presence of a registrar is necessary under this act, or if any persons shall knowingly or wilfully, after the said thirty-first day of *March*, intermarry in any certified presbyterian meeting house without publication of banns, or any licence, the marriage of all such persons, except in any case hereinbefore excepted, shall be null and void.

9 G. 2, (I.) and 23 G. 2, (I.) repealed; but act not to affect existing enactments respecting degraded clergymen.

L. And be it enacted, that after the said thirty-first day of *March* an act passed by the *Irish* parliament in the ninth year of the reign of king *George* the second, intituled *an act for the more effectual preventing clandestine marriages*, and so much of an act passed in the twenty-third year of the same reign, for explaining and making more effectual the last recited act, as relates to the last recited act, shall be repealed; but that nothing in this act shall extend to repeal any enactments now in force in *Ireland* for preventing the performance of the marriage ceremony by degraded clergymen.

In fraudulent marriages, the guilty party to forfeit all property accruing from the marriage, as in 4 G. 4, c. 76.

LI. And be it enacted, that if any valid marriage shall be had under the provisions of this act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for her majesty's attorney general or solicitor general for *Ireland* to sue in the court of chancery or court of exchequer in *Ireland* for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages

solemnized in *England* by licence before the passing of this act according to the rites of the church of *England*.

LII. And be it enacted, that, in order to provide the means for a register of the marriages of her majesty's subjects in *Ireland* who shall be married under the provisions of this act, it shall be lawful for the lord lieutenant to provide a proper office in the city of *Dublin*, to be called "The general register office," for keeping a register of such marriages, and to appoint for the said office a registrar general of marriages in *Ireland*, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

A general registry office to be provided in Dublin.

LIII. And be it enacted, that the lord lieutenant, or the registrar general, subject to the approval of the lord lieutenant, shall appoint from time to time such officers, clerks, and servants as he shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them; and the lord high treasurer or commissioners of her majesty's treasury, or any three of them, shall fix the salary of the registrar general, so that the same shall not at any time exceed the sum of eight hundred pounds yearly, and shall fix the salaries of the officers, clerks, and servants in fit proportion, according to the duties they may have to perform.

Lord lieutenant to appoint officers and fix the salaries of registrar general and other officers.

LIV. And be it enacted, that the salaries of the registrar general, and of the said officers, clerks, and servants, and all expenses of carrying on the business of the general registry office, not herein otherwise provided for, shall be paid by the said lord high treasurer, or commissioners of her majesty's treasury, out of the consolidated fund of the united kingdom of *Great Britain* and *Ireland*.

Salaries to be paid out of the consolidated fund.

LV. And be it enacted, that the lord lieutenant, or the registrar general, with his approbation, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general, clerks, officers, and servants of the said office, and of the registrars hereinafter mentioned, in the execution of this act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said registrar general, clerks, officers, and servants, and on the registrars.

Regulations for conduct of officers to be framed under direction of lord lieutenant.

LVI. And be it enacted, that the registrar general shall send once in every year to the lord lieutenant, who shall forthwith transmit the same to one of the principal secretaries of state, a general abstract of the number of marriages registered during the foregoing year, in such form as the said secretary from time to time shall require; and every such annual general abstract, shall be laid before parliament within one calendar month after receipt thereof, or, if parliament be not then sitting, within one calendar month after the next meeting of parliament.

Annual abstract of registers to be laid before parliament.

LVII. And be it enacted, that the lord lieutenant shall, as soon as may be after the passing of this act, form all the parishes, townships, and places in *Ireland* into districts; and the lord lieutenant shall appoint a sufficient number of fit persons to be registrars for such districts, and shall appoint the districts which each shall superintend; and every such registrar shall hold his office during the pleasure of the registrar general.

Registrars to be appointed for districts to be formed by lord lieutenant.

A register office to be provided in each district.

LVIII. And be it enacted, that the register office shall be provided and upheld in each district, according to a plan to be approved by the registrar general, for preserving the registers to be deposited therein, as hereinafter provided; and the care of the said office, and the custody of the registers deposited therein, shall be given to the registrar of the district.

Appointments, &c. exempt from stamp duty.

LIX. And be it enacted, that the appointments of registrars and the duplicates and certified copies of registers, hereinafter mentioned, shall be exempt from stamp duties.

Register boxes to be provided.

LX. And be it enacted, that the registrar general shall furnish to every registrar a sufficient number of strong iron boxes to hold the register books to be kept by every such registrar; and every such box shall be furnished with a lock and key, which key shall be kept by the registrar; and the register books of each district, while in the custody of the registrar, and not in use, shall be always kept in the register box, and the register box shall always be left locked.

All books, &c. to be transferred on removal of registrars.

LXI. And be it enacted, that in every case in which any registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents, and papers in his possession as such registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, books, documents, or papers in such case as aforesaid it shall be lawful for any justice of the peace for the county or other jurisdiction where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two justices of the peace for the said county or other jurisdiction; and upon such person appearing, or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to the justices that any such box, key, books, documents, or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said justices shall commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

Register books to be provided.

LXII. And be it enacted, that the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all marriages of her majesty's subjects in *Ireland* who shall be married under the provisions of this act, according to the form of schedule (G.) to this act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of marriages; and every page of each of such books shall be numbered

progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

LXIII. And be it enacted, that the registrar general shall furnish to every registrar a sufficient number of marriage register books, and forms for certified copies thereof as hereinafter provided, and also, on being thereunto required, shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in *Ireland* wherein marriages may lawfully be solemnized, and also to the presbyterian minister of every certified presbyterian meeting house, and also to every person whom the recording clerk of the society of friends commonly called *Quakers*, at their central office in *Dublin*, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in *Ireland* of the said society, and also to every person whom the president for the time being of the *London* committee of deputies of the *British Jews* shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in *Ireland* of persons professing the *jewish* religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as hereinafter provided; and the cost of all such books and forms shall be paid by the high constable out of the county rates.

Registrars to furnish marriage register books and forms for certified copies.

LXIV. And be it enacted, that every clergyman of the united church of *England* and *Ireland*, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage according to the form of the said schedule (G.); and every presbyterian minister of a certified presbyterian meeting house, and every such registering officer of the *Quakers*, as soon as conveniently may be after the solemnization of any marriage between two *Quakers* in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the *jewish* religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars relating to that marriage according to the form of the said schedule (G.); and every such registering officer or secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of the persons professing the *jewish* religion, as the case may be; and every such entry as hereinbefore is mentioned (whether made by such clergyman, or by such presbyterian minister, or by such registering officer or secretary respectively as aforesaid), shall be signed by the clergyman, or by such presbyterian minister, or by the said registering officer or secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each book, and the number of the place of entry in each duplicate marriage register book shall be the same.

Marriage registers to be kept in duplicate.

Duplicates
and certified
copies of
registers of
marriages to
be sent to
registrar.

LXV. And be it enacted, that the rector, vicar, or curate of every such church and chapel, and every such presbyterian minister of a certified presbyterian meeting house, and every such registering officer and secretary, shall, in the months of *April, July, October,* and *January* respectively, make and deliver to the registrar of the district in which such church or chapel or certified presbyterian meeting house or registered place of worship may be situated, or which may be assigned by the registrar general to such registering officer or secretary, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy certified by him under his hand of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of *April* one thousand eight hundred and forty-five, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand, and shall keep the said marriage register books safely until the same shall be filled; and one copy of every such register book, when filled, shall be delivered to the registrar of the district in which such church or chapel or certified presbyterian meeting house may be situated, or which shall have been assigned as aforesaid to such registering officer or secretary, and the other copy of every such register book kept by any such rector, vicar, or curate shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the registers of baptisms and burials of the parish or chapelry within which the marriages registered therein shall have been solemnized, and the other copy of every such register book kept by any such presbyterian minister shall remain under the care of such presbyterian minister, and be kept with the other registries and records of his meeting house, and the other copy of every such register book of marriages among the people called *Quakers* and among persons professing the *jewish* religion respectively shall remain under the care of the said people or persons respectively, to be kept with their other registers and records, and shall, for the purposes of this act, be still deemed to be in the keeping of the registering officer or secretary for the time being respectively.

Registrar to
register all
marriages
solemnized
before him
in books to
be sent by
the registrar
general.

LXVI. And be it enacted, that the registrar shall forthwith register every marriage solemnized in manner aforesaid in his presence, either in a registered building or in his office, in a marriage register book to be furnished to him for that purpose from time to time by the registrar general according to the form in schedule (G.); and every entry of such marriage shall be signed by the registrar, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book; and the registrar shall keep the said marriage register books with the records of his office, and shall, in the months of *April, July, October,* and *January* respectively, make, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy, certified by him as aforesaid, in the form of schedule (F.) annexed to this act, of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of *July* one thousand eight hundred

and forty-five, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand.

LXVII. And be it enacted, that every registrar shall four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of marriages which he shall have so made or received; and the registrar general, if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, shall procure, as far as possible, consistently with the provisions of this act, that the same may be remedied and supplied; and the certified copies so sent to the general registry office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the lord lieutenant, shall think fit, so that the same may be most readily seen and examined.

Registrars to send certified copies of registers to the general register office

LXVIII. And be it enacted, that every rector, vicar, or curate, or presbyterian minister of a certified presbyterian meeting house, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of marriages, wherein any marriage shall have been registered under this act, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee hereinafter mentioned; (that is to say), for every search extending over a period not more than one year the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

Searches may be made and certificates given by the persons keeping the registers.

LXIX. And be it enacted, that every registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the registrar, on payment of the fees hereinafter mentioned; (that is to say), for every general search the sum of five shillings, and for every particular search the sum of one shilling, and for every certified copy the sum of two shillings and sixpence.

Fees.

Indexes to be made at every registrar's office, and persons allowed to search them.

Fees.

LXX. And be it enacted, that the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the general register office; and that every person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except *Sundays*, *Christmas Day*, and *Good Friday*, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of twenty shillings, and for every particular search the sum of one shilling, and for every such certified copy the sum of two shillings and sixpence, and no more, shall be paid to the registrar general, or such other officer as shall be appointed for that purpose, on his account.

Indexes to be kept at general register office, searches allowed and certified copies given.

Fees.

LXXI. And be it enacted, that the registrar general shall cause to be made a seal of the said register office, and the registrar general shall cause to be sealed or stamped therewith all certified copies of

Certified copies given at general registry

office to be sealed.

entries given in the said office; and all certified copies of entries purporting to be sealed or stamped with the seal of the said register office, and which seal it shall not be necessary to prove, shall be received as evidence of the marriage to which the same relates, without any further or other proof of such entry, and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

Clergymen, &c. may ask parties married the particulars required.

LXXII. And be it enacted, that it shall be lawful for every clergyman of the united church of *England* and *Ireland* who shall solemnize any marriage in *Ireland*, and for every presbyterian minister of a certified presbyterian meeting house, and for the registrar before whom any marriage is solemnized under this act, either in any registered building or in his office, and for every registering officer of the *Quakers*, and every secretary of a synagogue, after the said thirty-first day of *March*, to ask of the parties to be married the several particulars herein required to be registered touching such marriage.

Penalty for wilfully giving false information

LXXIII. And be it enacted, that every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of marriage, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

Penalty for not duly registering marriages, or for losing or injuring the registers.

LXXIV. And be it enacted, that every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every person having the custody of any register book, or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for every such offence.

Penalty for destroying or falsifying register books.

LXXV. And be it enacted, that every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, of which a copy or extract shall be so given, or shall forge or counterfeit the seal of the register office, shall be guilty of felony.

Accidental errors may be corrected.

LXXVI. Provided always, and be it enacted, that no person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, either by himself or any predecessor in his office, shall be therefore liable to any of the penalties aforesaid if within one calendar month next after the discovery of such error, in the presence of the parties married, or in case of the death or absence of such parties, then in the presence of the registrar and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry,

and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or in case such certified copy shall have been already made he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

LXXVII. And be it enacted, that all fines and forfeitures by this act imposed, unless otherwise directed, shall be recovered before any two justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses (which oath such justices are hereby empowered to administer), such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justices; and for want of distress such justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offence shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the person who shall inform and sue or prosecute for the same, and the other moiety shall go to the registrar general, or to such other person as the commissioners of the treasury shall appoint, for the use of her majesty; and no distress made by virtue of this act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

Recovery of penalties.

LXXVIII. And be it enacted, that the prosecution for every offence punishable on summary conviction under this act shall be commenced within three calendar months next after the commission of the offence.

Limitation as to summary convictions.

LXXIX. And be it enacted, that in all cases where the sum adjudged to be paid on any such summary conviction shall exceed five pounds, any person convicted may appeal to the next court of general or quarter sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of

Appeal.

the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizances being entered into, the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No certiorari LXXX. And be it enacted, that no such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari or otherwise into any of her majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

Not to affect right of officiating minister to fees. LXXXI. Provided always, and be it enacted, that nothing herein contained shall affect the right of any officiating minister to receive the fees now usually paid for the performance or registration of any marriage.

Registrar general to furnish notices to guardians of unions, &c. specifying acts required to be done by parties registering. LXXXII. And be it enacted, that the said registrar general shall, within three calendar months after his appointment to such office, furnish to the respective guardians of every union, parish, or place printed notices, which the said guardians shall, as soon as conveniently may be after the receipt thereof, cause to be fixed or placed on the outside of the several church and chapel doors, or other public and conspicuous buildings or places, within their respective unions, parishes, or places, and which said notices shall specify the several acts required to be done by persons who may be desirous of solemnizing marriage under the provisions of this act.

Certain marriages celebrated in Ireland to be the same in law as if solemnized by clergymen of the established church. LXXXIII. And whereas marriages have in divers instances been had and celebrated in *Ireland* by presbyterian and other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons of the same or different religious persuasions, and it is expedient to confirm such marriages; be it therefore enacted, that all marriages had and celebrated in *Ireland* since the passing of an act passed in the last session of parliament, intituled *an act for confirmation of certain marriages in Ireland*, and before the passing of this act, by presbyterian or other protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be and shall be adjudged and taken to have been and to be of the same force and effect in law as if such marriages had been solemnized by clergymen of the united church of *England* and *Ireland*, and of no other force nor effect whatsoever.

Extent of act LXXXIV. And be it enacted, that this act shall extend only to *Ireland*, and shall not extend to the marriage of any of the royal family.

Act may be amended this session. LXXXV. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

*Schedules to which this Act refers.*SCHEDULE (A.)—*Notice of Marriage.*

To *A. B.* [*or C. D.*] surrogate [*or deputy surrogate*], *or*

To the registrar, of the district of [*Roscrea*] in the county of
[*Tipperary*], [*as the case may be.*]

I HEREBY give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say),

Name.	Con- dition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be so- lemnized.	District and County in which the other party resides, when the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full Age	High Street, Roscrea.	23 Days	Sion Chapel, Roscrea,	Maryborough,
Margaret Shaw	Spinster	- -	Minor -	Grove Farm. Parish Mary- borough.	More than a Month.	Tipperary.	Queen's County.

Witness my hand this [*sixth*] day of [*May* 1845.]

(Signed) *Lucius O'Hara.*

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (B.)—*Registrar's Certificate.* [No. 14.]

I [*John Cox*], registrar of the district of [*Roscrea*] in the county of [*Tipperary*], do hereby certify, that on the [*sixth*] day of [*May*] notice was duly entered in the marriage notice book of the said district of the marriage intended between the parties therein named and described, delivered under the hand of [*Lucius O'Hara*], one of the parties; (that is to say),

Name.	Con- dition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be so- lemnized.	District and County in which the other party dwells, where the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full Age	High Street.	23 Days	Sion Chapel, Roscrea,	Maryborough,
Margaret Shaw	Spinster	- -	Minor -	Grove Farm.	More than a Month.	Tipperary.	Queen's County.

Date of notice entered, }
 6th May 1845. }
 Date of Certificate given, }
 28th May 1845. }

The issue of this certificate has not been
 forbidden by any person authorized to
 forbid the issue thereof.

Witness my hand this [twenty-eighth] day of [May one thousand
 eight hundred and forty-five.]

(Signed)

John Cox,

Registrar.

This certificate will be void unless the marriage is solemnized on
 or before the [seventh] day of [August 1845.]

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (C.)—Licence of Marriage.

WHEREAS a marriage is intended to be solemnized between *A.B.*
 of and *C.D.* of : and whereas application for
 a licence hath been made to me *E.F.* the presbyterian
 minister duly authorized by his excellency the lord lieutenant pur-
 suant to the provisions of an act passed in the eighth year of the
 reign of queen *Victoria*, intituled "An act," &c. [here
insert the title of this act], to issue marriage licences within the
 bounds of the presbytery of : and whereas I have
 received the certificate required by law from the reverend *G.H.*,
 minister of the congregation of of which *A.B.* [or
C.D.] is a member: and whereas I have duly ascertained, by the
 oath [or affirmation] of the said *A.B.* [or *C.D.*], that the parties are
 respectively of the age of twenty-one years, and that there is no
 impediment of kindred or alliance or other lawful hindrance to the
 said marriage, and that *A.B.* [or *C.D.*] has had his [or her] usual
 place of abode for the space of fifteen days last past within the
 bounds of the presbytery of , or [in cases where either
party is under age, and not a widower or widow], that *A.B.* [or *C.D.*]
 is under the age of twenty-one years, and that the consent of *I.K.*,
 whose consent to his [or her] marriage is required by law, has been
 obtained thereto [or that there is no person having authority to give
 such consent, or, where a party so under age is a widower or widow,
 that *A.B.* [or *C.D.*] is under twenty-one years of age, but is a
 widower or widow, as the case may be]: now I do hereby grant
 unto the reverend or other the minister officiating
 in the certified presbyterian meeting house of full
 licence, according to the authority in that behalf given to me by the
 said act, to proceed to solemnize such marriage; provided that the
 said marriage be publicly solemnized in the presence of two wit-
 nesses, within one calendar month from the date hereof, in the
 certified presbyterian meeting house of [here
describe the meeting house in which the marriage is to be solemnized],
 between the hours of eight in the forenoon and two in the afternoon.

Given under my hand, this day of one
 thousand eight hundred and

(Signed)

E. F.

Licenser of presbyterian marriages.

SCHEDULE (D.)—*Presbyterian Minister's Certificate.*

I [*John Mason*], presbyterian minister of _____ in the
presbytery of _____ do hereby certify, that on the
day of _____ notice was duly entered in a book kept for
that purpose in my congregation of the marriage intended between
the parties therein named and described, delivered under the hand of
_____ one of the parties, who is and has been for the last
calendar month a member of my own congregation; (that is to say),

Name.	Condi- tion.	Rank or Profession	Age.	Residence.	Length of Resi- dence.	Church or Building in which Marriage is to be performed.	County & Par- ish in which the other par- ty dwells, or where the parties dwell in different Parishes, con- gregations, or Districts.
John Brown	Widower	Mason	Full Age or 21.	County Down. Parish Comber. Town Comber. Townland Comber.	2 Years.	1st Pres- byterian Church, Comber.	Congregation of Kilrea. County of Derry.
Mary Mahon	Spinster	Milliner	Full Age	County Derry. Parish Kilrea. Town Kilrea.			

Witness my hand this _____ day of _____ one
thousand eight hundred and _____
(Signed) [*John Mason*],
Minister of the _____ congregation of _____

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (E.)—*Licence of Marriage.*

A. B., registrar of _____ to *C. D.* of _____
and *E. F.* of _____ sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a contract
of marriage under the provisions of an act passed in the eighth
year of the reign of queen *Victoria*, intituled [*here insert the
title of this act*], and are desirous that the same may be speedily
and publicly solemnized: and whereas you *C. D.* [*or E. F.*] have
made and subscribed a declaration under your hand that you believe
there is no impediment of kindred or alliance or other lawful hin-
drance to the said marriage, and that you *C. D.* [*or E. F.*] have [*or
has*] had your [*or his or her*] usual place of abode for the space of
fifteen days last past within the district of (_____), and [*in
cases where either party is under age, and not a widower or widow*],
that you *C. D.* [*or E. F.*] are [*or is*] under the age of twenty-one

SCHEDULE (G.)

1845.—MARRIAGES solemnized [*at the Parish Church*] in the [*Parish of St. Audeon*] in the City of [*Dublin*].

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 1845.	Patrick Donovan. Mary O'Brien.	Of full Age. Minor.	Bachelor. Spinster.	Carpenter. -	3, South Street. 17, High Street,	Peter Donovan. Laurence O'Brien.	Upholsterer. Butcher.

Married in the [*Parish Church*], according to the rites and ceremonies of the [*united church of England and Ireland, by licence*], or [*after banns*].

By me, [William Jackson, Vicar.]

This marriage was solemnized between us, { Patrick Donovan, Mary O'Brien, } in the presence of us, { Dennis Donovan. Laurence O'Brien.

[The particulars in this schedule to be entered according to the fact.]

8 & 9 VICTORIA, CAP. 54.—*An act to amend the laws in force in Ireland for unions and divisions of parishes; for the settlement of the patronage thereof, and the celebration of marriages in the same.*—See Title—"UNION OF BENEFICES, IRELAND."

7 & 8 Vict.
c. 81.

Marriages intended to be solemnized in Ireland between parties one of whom resides in England, notice of the same to be given to the superintendent registrar of the district in England within which the party resides seven days preceding, &c.

6 & 7 W. 4,
c. 85.

Marriages intended to be solemnized in Ireland between parties one of whom shall be resident in Scotland, a certificate of the banns

9 & 10 VICTORIA, CAP. 72.—*An act to amend the act for marriages in Ireland, and for registering such marriages.*—Whereas an act was passed in the session of parliament holden in the seventh and eighth years of the reign of her present majesty, intituled *an act for marriages in Ireland, and for registering such marriages*: and whereas it is expedient to amend the provisions of the same in respect of marriages of parties, one of whom may reside in *England* or *Scotland*: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in any case of a marriage intended to be solemnized in *Ireland* between parties one of whom shall be resident in *England*, such party so resident in *England* shall give notice in the form used in *England* in that behalf, or to the like effect, to the superintendent registrar of the district within which such party shall have dwelt for not less than seven days then next preceding, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, provided that if either party shall have dwelt in the place stated in the notice more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards; and such notice shall be dealt with in such manner, and such certificate shall be given by such registrar in such manner, as is prescribed in an act of the sixth and seventh years of the reign of his late majesty king *William* the fourth, intituled *an act for marriages in England*, provided that in such case such certificate shall not be issued before the expiration of seven days from the entry of such notice as aforesaid; and from and after the expiration of seven days from the issuing of such certificate the production of the same to the person duly authorized under the provisions of the said first recited act to grant a licence for marriage in such case shall be as valid and effectual to all intents and purposes for authorizing such person to grant a licence for marriage, and such certificate shall be as valid and effectual for all other purposes under the provisions of the said first recited act as any certificate of a registrar of a district in *Ireland* would be under the said act if such party giving such notice were resident within such district in *Ireland*, and the other party to such intended marriage were also resident within another registrar's district in *Ireland*.

II. And be it enacted, that in the case of a marriage intended to be solemnized in *Ireland* between parties one of whom shall be resident in *Scotland*, it shall be lawful for such party to obtain from the minister of the congregation in *Scotland* of which he or she shall be a member for at least one calendar month preceding a certificate under his hand that banns of such intended marriage of such parties have been duly published or proclaimed in such congregation on

three several *Sundays*; and from and after the expiration of seven days from the granting of such certificate the production of such certificate to the person duly authorized in *Ireland* under the provisions of the said first recited act to grant a licence for marriage in such case shall be as valid and effectual to all intents and purposes for authorizing such person to grant a licence for marriage, and such certificate shall be as valid and effectual for all other purposes under the provisions of the said recited act as any certificate of a registrar of a district in *Ireland* would be under the said act if such party giving such notice were resident within such district in *Ireland*, and the other party to such intended marriage also were resident within another registrar's district in *Ireland*.

having been published on three several *Sundays* in the congregation of which the party is a member to be obtained from the minister.

III. And whereas it is by the said act, amongst other things, provided, that no surrogate or other person having authority to grant any licences for marriages shall grant any licence for marriage, not being a special licence, until seven days after notice shall have been given by one of the parties who shall have resided for not less than seven days then next preceding in the parish named in that notice, under his or her hand, in the form therein mentioned, to such surrogate or other person having authority to grant licences as aforesaid, which notices he shall file and keep with the records of his office, and that such surrogate or other person shall forthwith send a copy of such notice to the incumbent or incumbents of the parish or parishes in which the parties intending marriage dwell: and whereas certain parishes in *Ireland* have no parish church or chapel belonging thereto, or no church or chapel where divine service is usually solemnized every *Sunday*, and certain places are extra-parochial; and it is expedient to make provision for such cases, and other cases, as hereinafter mentioned: be it enacted, that all parishes where there shall be no parish church or chapel belonging thereto, or none wherein divine service shall be usually solemnized every *Sunday*, and all extra-parochial places whatever having no public chapel wherein banns may be lawfully published or marriage celebrated, shall be deemed and taken to belong to any parish or chapelry having such church or chapel next adjoining, for the purposes of the said recited and this act only; and where banns shall be published in any church or chapel of any parish or chapelry adjoining to any such parish or chapelry where there shall be no church or chapel, or none wherein divine service shall be solemnized as aforesaid, or to any extra-parochial place as aforesaid, the parson, vicar, minister, or curate publishing such banns shall, in writing under his hand, certify the publication thereof, and act in all things in the same manner as if either of the persons to be married had dwelt in such adjoining parish or chapelry.

Places having no parish church, &c. and extra-parochial places having no chapel wherein marriages may be solemnized, to be deemed, for the purpose of this act only, to belong to an adjoining parish.

IV. And be it enacted, that if the church of any parish, or chapel of any chapelry, wherein marriages may have been usually solemnized, be in ruins, or be demolished in order to be rebuilt, or for any other cause, or be under repair, and on such account or for any other reason be disused for public service, it shall be lawful for banns to be proclaimed and marriages to be celebrated in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed or marriage is usually celebrated, or in any place within

When parish church is in ruins, or under repair, &c., banns may be proclaimed and marriages celebrated in an adjoining parish, &c.

the limits of the parish or chapelry which shall be licensed by the ordinary of the diocese for the performance of divine service, during or by reason of the repair or rebuilding or disuse of the church as aforesaid; and where no such place shall be so licensed, then during such period as aforesaid the marriage may be solemnized in the adjoining church or chapel wherein the banns have been proclaimed, or which shall have been specified in the licence; and all marriages heretofore solemnized in other places within the said parishes or chapelries than the said churches or chapels on account of their being in ruins, under repair, or demolished, or taken down in order to be rebuilt, or for any other cause, shall not be liable to have their validity questioned on that account, nor shall the ministers who have so solemnized the same be liable to any ecclesiastical censure, or to any other proceeding or penalty whatsoever.

Act may be
amended, &c.

V. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

MARRIAGES, SCOTLAND.

4 & 5 WILLIAM 4, CAP. 28.—*An act to amend the laws relative to marriages celebrated by Roman catholic priests and ministers not of the established church, in Scotland.*—Whereas an act was passed in the parliament of *Scotland* in the first session of the first parliament of king *Charles* the second, intituled *act against clandestine and unlawful marriages*; and another act was passed in the seventh session of the said first parliament of king *William*, intituled *act against clandestine and irregular marriages*: and whereas by the said recited acts, or one or other of them, Roman catholic priests, and other ministers not of the established church of *Scotland*, celebrating marriages, and persons married by such clergymen, in *Scotland*, are rendered liable to certain punishments, pains, and penalties: and whereas it is expedient that the said acts should be altered and amended: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act so much of the said recited acts as prohibits the celebration of marriages in *Scotland* by Roman catholic priests or other ministers not belonging to the established church of *Scotland*, or imposes any fine, pain, or penalty on persons so married, or on the priests or ministers celebrating such marriages or marrying such persons, shall be and it is hereby repealed.

1 parl. Car 2,
sess. 1, c. 34,
An. 1661.
1 parl. Will.
sess. 7, c. 6.
An. 1698.

So much of
recited acts
as prohibits
marriages by
Roman ca-
tholic priests
in Scotland
repealed.

II. And be it enacted, that it shall be lawful to all persons in *Scotland*, after due proclamation of banns there, to be married by priests or ministers not of the established church, and also for such priests or ministers to celebrate marriages without being subject to any punishment, pains, or penalty whatever; any thing in the said recited acts, or in any other act or acts of parliament, to the contrary notwithstanding.

Persons in
Scotland may
be married
by priests
not of estab-
lished
church.

III. And be it enacted, that the said recited acts shall, excepting in so far as the same have already been or are hereby repealed or altered, remain in full force, authority, and effect.

Recited acts
to remain in
force.

IV. And be it further enacted, that this act may be amended, varied, or repealed by any act or acts to be passed in the present session of parliament.

Act may be
altered this
session.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES, BRITISH FACTORIES.

Marriages
solemnized
abroad in
British fac-
tories, &c.
declared
valid.

Proviso for
marriages
solemnized
beyond sea.

4 GEORGE 4, CAP. 91.—*An act to relieve his majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad.*—Whereas it is expedient to relieve the minds of all his majesty's subjects from any doubt concerning the validity of marriages solemnized by a minister of the church of *England* in the chapel or house of any *British* ambassador or minister residing within the country to the court of which he is accredited, or in the chapel belonging to any *British* factory abroad, or in the house of any *British* subject residing at such factory, as well as from any possibility of doubt concerning the validity of marriages solemnized within the *British* lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a *British* army serving abroad; be it declared and enacted, and it is hereby declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all such marriages as aforesaid shall be deemed and held to be as valid in law as if the same had been solemnized within his majesty's dominions, with a due observance of all forms required by law.

II. Provided always, and be it further enacted, that nothing in this act contained shall confirm or impair or any wise affect, or be construed to confirm or to impair or any wise to affect, the validity in law of any marriages solemnized beyond the seas, save and except such as have been or shall be solemnized in the places, form and manner herein specified and recited.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES AT HAMBURGH.

3 & 4 WILLIAM 4, CAP. 45.—*An act to declare valid marriages solemnized at Hamburgh since the abolition of the British factory there.*—Whereas the *British* factory at *Hamburgh* was dissolved, and the privileges thereof abolished, in the year one thousand eight hundred and eight: and whereas divers marriages of subjects of this realm resident in *Hamburgh* have since the abolition of the said factory and privileges been solemnized there by the chaplain appointed by the lord bishop of *London*, or some minister of the church of *England* officiating instead of such chaplain, in the *British* episcopal chapel, and in private houses in that city, before witnesses, according to the rites of the church of *England*: and whereas it is expedient that no doubts should hereafter arise as to the validity of such marriages: may it therefore be declared and enacted; and be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages of parties subjects or parties one of them being a subject of this realm, which have been solemnized at *Hamburgh* since the abolition of the *British* factory there, by the chaplain appointed by the lord bishop of *London*, or by any ministers of the church of *England* officiating instead of such chaplain, in the episcopal chapel of the said city, or in any other place, before witnesses, according to the rites of the church of *England*, shall be good and valid in law to all intents and purposes as if the same had been solemnized in the *British* factory at *Hamburgh* before the abolition thereof.

Marriages
legally so-
lemnized at
Hamburgh
since the
abolition of
factory there
declared
valid.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES, INDIA.

58 GEORGE 3, CAP. 84.—*An act to remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.*—Whereas doubts have arisen concerning the validity of marriages which have been had and solemnized within the *British territories in India*, by ordained ministers of the church of *Scotland* as by law established: and whereas it is expedient that such doubts should be quieted, and that the law respecting such marriages should be declared for the future; be it declared and enacted; and it is hereby declared and enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages heretofore had and solemnized, or which shall be had and solemnized within the said territories in *India*, before the thirty-first day of *December* now next ensuing, by ordained ministers of the church of *Scotland* as by law established, shall be, and shall be adjudged, esteemed and taken to have been, and to be, of the same and no other force and effect as if such marriages had been had and solemnized by clergymen of the church of *England*, according to the rites and ceremonies of the church of *England*; and that from and after the said thirty-first day of *December* now next ensuing, all marriages between persons, both or one of such persons being members or member of or holding communion with the church of *Scotland*, and making a declaration to the effect hereinafter mentioned, which marriages shall be had and solemnized within the *British territories in India*, by ordained ministers of the church of *Scotland* as by law established, and appointed by the united company of merchants of *England* trading to the *East Indies* to officiate as chaplains within the said territories, shall be, and shall be adjudged, esteemed and taken to be, of the same and no other force and effect as if such marriages were had and solemnized by clergymen of the church of *England*, according to the rites and ceremonies of the church of *England*: provided always, that from and after the said thirty-first day of *December*, no such marriage as aforesaid shall be had and solemnized, till both or one of such persons, as the case may be, shall have signed a declaration in writing, in duplicate, stating that they, or he or she, as the case may be, are or is members or member of or holding communion with the church of *Scotland* by law established.

Marriages solemnized in India before 31st December by ministers of the church of Scotland to be of the same force as if solemnized by clergymen of the church of England; and after that period, marriages between persons one or both of the church of Scotland by ministers of that communion, and appointed by E. I. company, valid.

Declaration by parties.

Minister to certify marriage; and deliver duplicate of certificate signed by parties to party, and transmit another to secretary of presidency.

II. And be it further enacted, that the minister by whom such marriage shall be solemnized, shall, immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or indorsed upon the declaration in duplicate hereinbefore mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same; and such

certificate in duplicate shall be also signed forthwith by the parties entering into such marriage, and by the witnesses to the same; and the minister officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the chief secretary of government at the presidency within which such marriage shall have been had and solemnized.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES IN NEWFOUNDLAND.

57 GEORGE 3, CAP. 51.—*An act to regulate the celebration of marriages in Newfoundland.*—Whereas a doubt has existed whether the law of *England* requiring religious ceremonies in the celebration of marriage to be performed by persons in holy orders, for the perfect validity of the marriage contract, be in force in *Newfoundland*; and by reason of this doubt, marriages have been of late celebrated in *Newfoundland* by persons not in holy orders: and whereas great inconvenience and irregularities may arise if these doubts shall continue to prevail; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *January* in the year one thousand eight hundred and eighteen, all marriages had in *Newfoundland* shall be celebrated by persons in holy orders; and all marriages which shall be contracted or celebrated in *Newfoundland* contrary to this act, after the first day of *January* in the year one thousand eight hundred and eighteen, shall be and are hereby declared to be null and void: provided nevertheless, that nothing contained in this act shall extend or be construed to extend to any marriages that may be had under circumstances of peculiar and extreme difficulty in procuring a person in holy orders to perform the celebration, and in which the law might on that account otherwise determine on the validity of such marriages: provided always, that in all such cases the circumstance of the case and the actual contract of marriage shall be certified on the oath of the parties before the magistrate nearest to the usual residence of the parties, or either of them, or before some other person duly authorized by the governor or officer administering the government of *Newfoundland*, to administer such oath.

Marriages to be solemnized in Newfoundland by persons in holy orders.

Proviso for difficulty in procuring persons in holy orders being certified on oath.

Proviso for marriages already contracted, Quakers and Jews.

Act may be altered, &c. this session.

II. And be it further enacted, that nothing in this act shall extend or be construed to extend to marriages already had, or that shall be had previous to the first day of *January* in the year one thousand eight hundred and eighteen: provided also, that nothing in this act contained shall extend to any marriages amongst the people called *Quakers*, or amongst the persons professing the *jewish* religion, where both the parties to any such marriage shall be of the people called *Quakers*, or persons professing the *jewish* religion respectively.

III. And be it further enacted, that this act may be altered, amended or repealed by any act or acts to be passed in the present session of parliament.

5 GEORGE 4, CAP. 68.—*An act to repeal an act passed in the fifty-seventh year of the reign of his late majesty king George the third, intituled an act to regulate the celebration of marriages in Newfoundland; and to make further provision for the celebration of marriages in the said colony and its dependencies.*—Whereas it is

expedient that an act made in the fifty-seventh year of the reign of 57 G. 3, c. 51. his late majesty king *Geerge* the third, intituled *act to regulate the celebration of marriages in Newfoundland*, should be repealed, and that further and more effectual provision should be made for the celebration of marriages in *Newfoundland*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of *March*, in the year one thousand eight hundred and twenty-five, the said recited act of the fifty-seventh year of the reign of his said late majesty shall be and the same is hereby repealed: provided always, that all marriages which have taken place at any time before the passing of this act in *Newfoundland*, and which have not been declared and adjudged to be void or invalid by any court of competent jurisdiction, and all marriages which shall take place in *Newfoundland* previously to the twenty-fifth day of *March* in the year one thousand eight hundred and twenty-five, shall be and the same are hereby declared to be as good and valid as if the said recited act had not been passed or made; any thing in the said recited act to the contrary in anywise notwithstanding.

repealed.

Marriages that have taken place, not adjudged to be void, declared to be valid.

II. And be it further enacted, that all marriages which may hereafter be had in *Newfoundland* shall be celebrated by persons in holy orders, except in the cases hereinafter specially excepted and provided for.

Marriages to be celebrated by persons in orders, exception.

III. And whereas by reason of the great extent of the said island of *Newfoundland*, and the want of internal communication between the different parts of the said island during the greater part of the year, difficulties have arisen with respect to the solemnization of marriages in various settlements and stations there; and it is expedient that temporary provision be made for the legal solemnization of marriages in such settlements or stations as aforesaid; be it therefore enacted, that it shall and may be lawful for one of his majesty's principal secretaries of state, or for the governor or acting governor for the time being of the colony of *Newfoundland*, to grant licences or a licence to celebrate marriages within the said colony or its dependencies, to any person or persons who shall employ themselves or himself solely in the duties of a teacher or preacher of religion in the said colony, and who shall not follow or engage in any trade or business, or other profession, occupation or employment, for their or his livelihood, except that of a schoolmaster: provided always, that no such licence as aforesaid shall be granted to any such persons or person as aforesaid, unless they or he shall first have taken the oath and subscribed the declaration specified in an act passed in the fifty-second year of the reign of his late majesty king *George* the third, intituled *an act to repeal certain acts and amend other acts relating to religious worship and assemblies, and persons teaching or preaching therein*, and shall have produced a certificate thereof to his majesty's said principal secretary of state, or to the governor or acting governor of *Newfoundland*, as the case may be; or unless such persons or person shall take the said oath and subscribe the said declaration before the governor or acting governor of the said

Secretary of state or governor may grant licences to teachers or preachers of religion to celebrate marriages within the colony.

Such persons to take the oath prescribed by 52 G. 3, c. 155.

colony, who is hereby authorized and required to administer such oath and to tender such declaration to the persons or person requiring to take and make and subscribe the same.

And empowered to celebrate marriages in cases herein mentioned.

Celebrating marriage where such case does not exist.

Penalty.

Marriage valid.

To be in presence of two witnesses.

Penalty.

Marriage valid.

Certificate of marriages celebrated by licensed persons to be delivered to minister of established church. Penalty of £5.

Form of certificate.

IV. And be it further enacted, that it shall and may be lawful for any person, to whom any such licence as aforesaid shall be granted in manner aforesaid, to celebrate marriages between any persons resident in the said colony of *Newfoundland* or its dependencies, in any case where, by reason of the difficulty of the internal communication between different parts of the said colony or its dependencies, the woman about to be married could not without inconvenience, repair from her ordinary place of abode, for the purpose of contracting such marriage, to some church or chapel of or belonging to the established church of *England* wherein divine service is regularly performed; and if any such person as aforesaid shall celebrate any marriage by virtue of any such licence as aforesaid, in any case wherein such inconvenience as aforesaid shall not exist, the person so offending shall incur and become liable to the payment of a fine not less than ten pounds, nor more than fifty pounds *British* sterling money, and shall forfeit and be deprived of such his licence: provided nevertheless, that every marriage actually celebrated within the said colony or its dependencies by any person having any such licence as aforesaid, shall be good and valid to all intents and purposes, and shall not be rendered invalid by reason of any such illegality as aforesaid on the part of the person celebrating the same.

V. And be it further enacted, that no such person to whom any such licence may be so granted as aforesaid shall celebrate or perform marriage between any persons in *Newfoundland*, except in the presence of two credible witnesses; and if any such person shall celebrate or perform any marriage between any persons in *Newfoundland*, except in the presence of two credible witnesses, he shall incur and become liable to the payment of a fine not less than ten pounds nor more than fifty pounds *British* sterling money; but the want of such witnesses shall not invalidate the marriage.

VI. And be it further enacted, that every person by whom any marriage shall be celebrated or performed in *Newfoundland* at any time after the twenty-fifth day of *March* in the year one thousand eight hundred and twenty-five, shall, under the penalty of five pounds *British* sterling money, within twelve calendar months next following such marriage, deliver or cause to be delivered to the secretary of the governor or acting governor of the said island, or to the incumbent or officiating minister of some church or chapel of the established church of *England*, in the towns of *Saint John's Harbour*, *Grace in Conception Bay*, or *Trinity Harbour* in *Trinity Bay*, in the said island, a certificate thereof in writing, subscribed with his own name, and with the names or marks of the parties married, together with the names of two credible witnesses present at such marriages; and every such certificate shall be made in form following; (that is to say),

Marriage solemnized at _____ in the island of *Newfoundland*:

THIS is to certify, that *A. B.* [*the man married*] of _____ and *C. D.* [*the woman married*] of _____, were married

at this in the year of our Lord
, by me,

E. F.

[*Clergyman in holy orders or preacher
licensed to celebrate marriages.*]

This marriage was solemnized between us, { *A. B.*
and
C. D.

In the presence of us, { *G. H.* of } Witnesses present at
{ *I. K.* of } the said marriage.

VII. And be it further enacted, that whenever any such certificate of marriage as aforesaid shall be delivered to the secretary of the governor, or to the incumbent or officiating minister of any such church or chapel of the established church of *England* as aforesaid, he shall, within seven days next after the receipt of every such certificate, and upon the payment or tender to him of one shilling and no more, enter or cause to be entered a true and correct copy thereof in a public book or register of marriages, to be by him kept for that purpose; and such public book or register shall be kept and remain at the office of the said secretary, or at such church or chapel of the established church of *England* as aforesaid, and shall be open to the inspection of any person or persons requiring to consult or examine the same, at all convenient hours; and the said secretary, or the said incumbent or officiating minister, shall make and deliver to any and every person who shall demand the same, a true copy of any entry contained in the said public book or register of marriages, attested by him, in the form following; (that is to say),

Such certificates to be entered in the register book of marriages.

A copy of the entry to be given.

A true copy, extracted from the public register of marriages of the secretary's office, or of the church or chapel of in *Newfoundland*, by me,

K. L. government secretary, or incumbent, or officiating minister of such church or chapel.

And the said government secretary, or the said incumbent or officiating minister of such church or chapel, shall carefully preserve and file all the original certificates of marriage, so that reference may be had to the same in like manner as to the said register.

VIII. And be it further enacted, that any such public book or register of marriages in *Newfoundland*, or such attested copy as aforesaid of any entry in any such public book or register of marriages, the handwriting of the said government secretary, or of the attesting minister being duly proved, shall be deemed and taken to be, and shall for all purposes be received as good and sufficient evidence of the due celebration of any marriage in *Newfoundland*, which by such book or register, or by such attested copy, shall appear or purport to have been celebrated; and every such marriage shall, upon the production of such book or register, or of such attested copy, and proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

Book of register or attested copy to be evidence.

IX. Provided always, and be it enacted, that nothing in this act contained relating to marriages in *Newfoundland* shall extend to any marriages amongst the people called *Quakers*, or amongst the persons professing the *jewish* religion, where both the parties to any such

Proviso for marriages of Quakers, &c.

marriage shall be of the people called *Quakers* or persons professing the *jewish* religion respectively.

Continuance
of act.

X. And be it further enacted, that this act shall continue and be in force for five years from the passing thereof, and no longer.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES AT ST. PETERSBURGH.

4 GEORGE 4, CAP. 67.—*An act to declare valid certain marriages that have been solemnized at St. Petersburg since the abolition of the British factory there.*—Whereas the *British factory of St. Petersburg* was, by the manifesto of the emperor of *Russia*, declared to be abolished from and after the twentieth day of *June* in the year one thousand eight hundred and seven: and whereas divers marriages of subjects of this realm resident at *St. Petersburg* have, since the said twentieth day of *June* one thousand eight hundred and seven been solemnized there by the chaplain of the *Russia* company in the chapel of the said company, and in private houses, before witnesses, according to the religious ceremonies of the church of *England*: and whereas it is expedient to declare the validity of such marriages, in order that no doubts or disquietude may hereafter arise thereupon: may it therefore please your majesty that it may be declared and enacted; and be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all marriages (both or one of the parties thereto being subjects or a subject of this realm) that have, since the said twentieth day of *June* one thousand eight hundred and seven, been solemnized, or that shall hereafter be solemnized at *St. Petersburg* by the chaplain to the said *Russia* company, or by a minister of the church of *England* officiating instead of such chaplain, in the chapel of the said *Russia* company, or in any other place, before witnesses, shall be as good and valid in law, and so deemed in the united kingdom of *Great Britain* and *Ireland*, and in the dominions thereunto belonging, as if the same had been solemnized before the abolition of the said factory.

Marriages of
British sub-
jects solemn-
ized at St.
Petersburgh
declared
valid.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGE OF PRIESTS.

1 HENRY 7, CAP. 4.—*An act to punish priests, for incontinency, by their ordinaries.*—See Title—"CHURCH DISCIPLINE," vol. ii. p. 229.

31 HENRY 8, CAP. 14.—*An act for abolishing of diversity of opinions in certain articles concerning christian religion.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 161.

32 HENRY 8, CAP. 10.—*An act for the moderation of the punishment of incontinency of priests, and women offending with them.*—

Recital of
stat. 31 H. 8.

that it shall
be felony, for
a priest to
have a wife,

and that,
keeping a
concubine,
he shall forfeit goods
and promotions,

and for the
second offence be a
felon,

Where in the first session of this present parliament, begun and holden at *Westminster* the eighteenth day of *April* in the one and thirtieth year of the king's most noble reign, and there continued unto the eight and twentieth day of *June* then next following, in certain ordinances there made for abolishing of diversity of opinions in divers articles concerning christian religion, amongst other things it was and is enacted, that if any man, which then was or had been a priest at any time from or after the twelfth day of *July* then next ensuing, did carnally keep or use any woman, to whom he then was or had been married, or with whom he had contracted matrimony, or openly be conversant, keep company and familiarity with any such woman, to the evil example of other persons; every such carnal use, copulation, open conversation, keeping of company and familiarity, be and should be deemed and adjudged felony, as well against the man as the woman, and that every such person so offending, should be inquired of, tried, punished, suffer, lose and forfeit all and every thing and things, as other felons made and declared by the said act, and as in case of felony. And where in the said act it is also further enacted by the authority aforesaid, that if any man which then was or had been priest, or after that should be, at any time after the said twelfth day of *July*, did carnally use or accustom any woman, or keep her as his concubine, as by paying for her board, maintaining her with money, array, or any other gifts or means, to the evil example of other persons, that then every such offender being thereof duly convicted or attainted by the laws mentioned in the said act, should forfeit and lose all his goods and chattels, benefices, and prebends, and other spiritual promotions and dignities, and also should have and suffer imprisonment of his body at the king's will and pleasure. And that every of the said benefices, prebends, and other spiritual promotions and dignities should be to all intents and purposes utterly void, as if the said offender had resigned and permuted. And if any such offender or offenders at any time after the said conviction or attainder, eftsoons did commit, do, or perpetrate the said offences, or any of them next before rehearsed, and be thereof duly convicted or attainted by the laws mentioned in the said act, that then all and every such offence and offences shall be deemed and adjudged felony, and the offender or offenders therein should suffer pains of death, and lose and forfeit all

his and their goods, lands, and tenements, as in cases of felony, without having any benefit of clergy or sanctuary: and that those women, with whom all and singular the foresaid priest should in any of the foresaid ways have to do with or carnally know, as is aforesaid, should have like punishment as the priests, as by the said act amongst other things it manifestly appeareth. Our said sovereign lord the king graciously considering that albeit that the incontinent living of priests, from whom all good example of virtue and good living most specially should proceed, to the good instruction and edifying of other christian people, is highly to the displeasure of Almighty God, and great occasion of increase of like sinful living to all other the king's subjects, yet the said punishment therefore provided by pains of death is very sore and too much extreme: wherefore the king's majesty is contented and pleased, that with the assent of the lords spiritual and temporal, and of the commons in this present parliament assembled, it be ordained and enacted by authority of the same, that the said clause and clauses above written in the act before rehearsed, contained, concerning felony and pains of death, and other penalties and forfeitures, for and upon the first and second conviction or attainder of any priest or woman for any of the said offences in the same clauses of the said act mentioned, shall be from henceforth void and of none effect. And also that it be ordained and enacted by authority of this present parliament, that if any such offender as is above written, hereafter shall happen to be duly convicted or attainted by the laws mentioned in the foresaid act, of or upon any of the crimes and offences as afore written, that then every such offender so being convicted or attainted, shall from henceforth upon his first conviction or attainder, only forfeit and lose to our said sovereign lord the king, all his goods, chattels and debts. And if the same offender at the time of that his first conviction, or attainder, have any more benefices or ecclesiastical dignities or promotions than one: then the same offender so convicted or attainted, shall forfeit and lose for term of his life, all issues, revenues and profits of his said benefices or other ecclesiastical dignities or promotions (except one of the same benefices or other ecclesiastical dignities or promotions.) And if it shall fortune any such offender or offenders at any time after the said first conviction or attainder, to commit, do, or perpetrate any of the said offences before rehearsed, and be thereof eftsoons duly convicted or attainted by the laws aforesaid, that then every such offender shall only lose and forfeit to our said sovereign lord the king all his goods, chattels and debts, and also during his life, all the issues and profits of his lands, ecclesiastical dignities, benefices, offices, and promotions, to be had, levied, perceived and taken to the king's use. And if it shall fortune any such offender or offenders, at any time after the second conviction or attainder, to commit, do, or perpetrate any of the offences before written, and be also thereof duly convicted or attainted by the laws aforesaid, that then every such offender shall only forfeit and lose to our said sovereign lord the king, all his goods, chattels and debts, and also during his life all the issues and profits of all his lands and tenements, and of all his ecclesiastical dignities, benefices, offices and promotions, to be had, levied,

and the women to be punished, as the priests.

The rigour and severity of that law;

which from henceforth shall be void;

and any person offending in the premises, shall forfeit goods and chattels,

and the revenue of one promotion if he have two;

over and above, for the second offence, issues of lands and promotions;

over and above, for the third offence perpetual imprisonment.

Woman un-
married, if
she offend,
shall lose
goods and
chattels,

over and
above, for the
half of issues
of land,
over and
above, for the
second, one
third, all is-
sues, and
perpetual
imprison-
ment.

Woman un-
married, if
she offend,
shall suffer
imprison-
ment during
life.

Saving of the
right of
others.

All laws pro-
hibiting spi-
ritual per-
sons to marry
who by God's
law may
marry, shall
be void.
The benefits
which would
ensue if
priests and
ministers did
live chaste,
sole and un-
married.

perceived and taken to the king's use, and also shall further have and suffer continual imprisonment of his body during his life. And every woman being sole and unmarried, with whom any priest shall so offend in any of the offences above written, shall forfeit for her first conviction or attainder, of or upon any of the crimes or offences aforesaid, all her goods, chattels and debts. And for her second conviction or attainder, of or upon any of the crimes or offences aforesaid, all her goods, chattels and debts, and also the one half of all the issues, revenues, and profits of all her lands, tenements, and hereditaments, by all the term of her life. And for her third conviction or attainder, of or upon any of the crimes or offences aforesaid, she shall forfeit all her goods, chattels and debts, and also during her life, all the issues and profits of all her lands and tenements, and also shall further suffer imprisonment of her body by all the term of her life. And if the woman with whom any priest shall so offend in any of the offences abovesaid be married, that then for every her conviction or attainder of or upon any of the crimes or offences aforesaid, she shall have and suffer imprisonment of her body by all the term of her life, at the king's will and pleasure: any thing contained in this said former act to the contrary of the said penalties in this act mentioned in anywise notwithstanding.

II. Saving to all and singular person and persons, bodies politic and corporate, their heirs, successors and assigns, and to the heirs, successors and assigns of every of them (other than such person and persons that shall hereafter fortune to offend, contrary to the tenor of this act), all such right, title, interest, possession, entry, action, condition, rents, remainders, reversions, annuities, fees, commons, leases, liberties, and commodities, which they or any of them, have, shall, or ought to have, at the time of any such offences committed or done by any of the said offenders, contrary to the tenor of this act, in as ample and large manner and form, to all intents, constructions and purposes, as if this act had never been had nor made, any thing in this act contained to the contrary notwithstanding.

1 EDWARD 6, CAP. 12, SEC. 3.—*An act for the repeal of certain statutes concerning treasons and felonies.*—See Title—"ARTICLES OF RELIGION," vol. i. p. 179.

2 & 3 EDWARD 6, CAP. 21.—*An act to take away all positive laws made against marriage of priests.*—Although it were not only better for the estimation of priests, and other ministers in the church of God, to live chaste, sole and separate from the company of women, and the bond of marriage, but also thereby they might the better intend to the administration of the gospel, and be less intricated and troubled with the charge of household, being free and unburdened from the care and cost of finding wife and children, and that it were most to be wished, that they would willingly and of their selves endeavour themselves to a perpetual chastity and abstinence from the use of women: yet forasmuch as the contrary hath rather been seen, and such uncleanness of living, and other great inconveniences, not meet to be rehearsed, have followed of compelled chastity, and of such laws as have prohibited those (such persons) the godly use of marriage: it were better and rather to be suffered in the commonwealth, that those which could not contain, should after the counsel

of scripture live in holy marriage, than feignedly abuse with worse enormity outward chastity or single life :

II. Be it therefore enacted by our sovereign lord the king, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and every law and laws positive, canons, constitutions and ordinances heretofore made by authority of man only, which do prohibit or forbid marriage to any ecclesiastical or spiritual person or persons, of what estate, condition or degree they be, or by what name or names soever they be called, which by God's law may lawfully marry, in all and every article, branch and sentence, concerning only the prohibition for the marriage of the persons aforesaid, shall be utterly void and of none effect : and that all manner of forfeitures, pains, penalties, crimes or actions which were in the said laws contained, and of the same did follow concerning the prohibition for the marriage of the persons aforesaid, be clearly and utterly void, frustrate and of none effect, to all intents, constructions and purposes, as well concerning marriages heretofore made by any of the ecclesiastical or spiritual persons aforesaid, as also such which hereafter shall be duly and lawfully had, celebrate and made, betwixt the persons which by the laws of God may lawfully marry.

III. Provided alway, and be it enacted by the authority aforesaid, that this act, or anything therein contained, shall not extend to give any liberty to any person to marry without asking in the church, or without any ceremony being appointed by the order prescribed and set forth in the book intituled, *the book of common prayer and administration of the sacraments, &c.* any thing above mentioned to the contrary in anywise notwithstanding. [2 & 3 Ed. 6, c. 1.]

No marriage
without ask-
ing in the
church.

IV. Provided also, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not extend to alter, change, revoke, repeal, or otherwise to disannul any decree, judgment, sentence or divorce heretofore had or made, but that all and every such decree, judgment, sentence and divorce, shall remain and be of such like force, effect, strength and degree, to all intents, constructions and purposes, as they were in before the making of this act, and as though this act had never been had nor made ; this act, or any thing therein contained to the contrary in anywise notwithstanding.

Decrees and
divorces
heretofore
made.

5 & 6 EDWARD 6, CAP. 12.—*An act touching the declaration of a statute made for the marriage of priests, and for the legitimation of their children.*—Albeit that at the session of this parliament holden by prorogation at *Westminster* the fourth day of *November* in the second year of the reign of the king's majesty that now is, it was ordained and enacted by the authority of the same parliament, that all and every law and laws positive, canons, constitutions and ordinances before that made by the authority of man only, which then did prohibit and forbid marriage to any ecclesiastical and spiritual person or persons, of what estate, condition or degree they then were, or by what name or names soever they then were called, which by God's law might lawfully marry, and all and every article, branch and sentence concerning only the prohibition for the marriage of the persons aforesaid, should be utterly void and of none effect : and that all

The marri-
age of priests
and other
spiritual per-
sons shall be
adjudged
lawful.
2 & 3 Ed. 6,
c. 21.

manner of forfeitures, pains, penalties, crimes or actions, which were in the said laws contained, or of the same did follow, concerning the prohibition for the marriage of the persons aforesaid, should be clearly and utterly void, frustrate and of none effect, to all intents, constructions and purposes, as well concerning marriage afore that time made by any of the ecclesiastical or spiritual persons aforesaid, as also such which thereafter should be duly and lawfully had, celebrated and made betwixt the persons which by the laws of God might lawfully marry: yet since the making of the said act, divers evil disposed persons perversely taking occasion of certain words and sentences in the same act comprised, have and do untruly and very slanderously report of priests' matrimony, saying that the same statute is but a permission of priests' matrimony, as usury and other unlawful things be now permitted, for the eschewing of greater inconvenience and evils, so that thereby the lawful matrimony of priests, in the opinion of many, and the children procreate and born in such lawful matrimony rather be of a greater number of the king's subjects accounted as bastards, than lawfully born, to the great slander, peril and disherison of such children: which untrue slanderous reproach of holy matrimony doth not only redound to the high dishonor of Almighty God, but also to the king's majesty's dishonor, and his high court of parliament, and the learned clergy of this realm, who have determined the same to be most lawful by the law of God in their convocation, as well by their common assent, as by the subscription of their hands: and that most of all is to be lamented, through such uncomely railings of matrimony and slanderous reproaches of the clergy, the word of God is not heard with reverence, followed with diligence, the godly proceedings of the king's majesty not received with due obedience, and thereby the wealthy men of this realm discouraged to nourish and bring up their children in learning, so as it is to be feared, lest in place of good learning and knowledge shall creep in ignorance, and for learned men, unlearned ambitious men and flatterers, to the great displeasure of Almighty God, and to the peril of the whole state of God's true religion within this realm, if speedy remedy be not provided herein:

Priests' children shall be legitimate, and inherit their ancestor's lands.

II. Therefore it is enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, that the matrimony of all and every priest and other ecclesiastical and spiritual person and persons heretofore had, celebrated and made, and the matrimony of every priest and other ecclesiastical and spiritual person, which shall hereafter duly be had, celebrated and made, shall be adjudged, deemed and taken for true, just and lawful matrimony, to all intents, constructions and purposes: and that all and every children and child born in any such matrimony, shall be deemed, judged, reputed and taken to all intents, constructions and purposes, to be born in lawful matrimony, and to be legitimate and inheritable to lands, tenements and other hereditaments, from and by any of their fathers, mothers and other ancestors, in like manner and form, to all intents, constructions and purposes, as any other children born in lawful matrimony betwixt

any of the king's lay subjects be inheritable: and that by the authority aforesaid, as well all and every priest and other ecclesiastical and spiritual person and persons be and shall be enabled to be tenants by the curtesy, after the death of their wives, of such lands, tenements and other hereditaments as their wives shall happen to be seized of, of estate in fee-simple or estate in fee-tail general, during the spousals; as also every wife of every such priest and other ecclesiastical person, shall be enabled to claim, demand, have and enjoy dower of the lands, tenements and other hereditaments, whereof her husband during the espousals between them was seized, of estate in fee-simple or fee-tail general in his own right, in like manner and form, to all intents, constructions and purposes, as any other husband or wife may or might claim, demand, have or enjoy; any law, statute, ordinance, canon, constitution, prescription or custom had, made, exercised or used in this realm, to the contrary in any wise notwithstanding.

Priests shall be tenants by the curtesy, and their wives endowable of their lands.

III. Provided alway, that this act, nor any thing therein contained, shall extend to give liberty to any person to marry without asking in the church, or without the ceremonies according to the book of common prayer and administration of the sacraments, nor shall make any such matrimony already made, or hereafter to be made, good, which are prohibited by the law of God for any other cause.

Asking in the church.

IV. Provided also, that this act, nor any thing therein contained, shall extend to alter, change, revoke, repeal or otherwise to disannul any decree, judgment or sentence of divorce heretofore had or made, or to change or alter the possession or inheritance of any lands or tenements already descended; but that they and every of them shall remain, continue and be of such like force, effect, strength and degree, to all intents, constructions and purposes, as they were before the making of this act; this act or any thing therein contained to the contrary in anywise notwithstanding.

Divorces already made.

1 MARY, SESS. 2, CAP. 2.—A repeal of the statute of 2 & 3 Edward 6, c. 21, made to take away all positive laws ordained against the marriage of priests; and of the statute of 5 & 6 Edward 6, c. 12, touching the marriage of priests and legitimation of their children.

2 JAMES 1, CAP. 25, SECS. 49 & 50.—An act for continuing and reviving of divers statutes, and for repealing of some others.

XLIX. And that an act made in the session of parliament, holden upon prorogation at *Westminster* the fourth day of *November* in the second year of the reign of the late king *Edward* the sixth, and there continued and kept to the fourteenth day of *March* in the third year of the said late king's reign, intituled, *an act to take away all positive laws made against the marriage of priests*.

Marriage of priests. 2 & 3 Ed. 6. c. 21.

L. And an act made in the session of parliament holden upon prorogation at *Westminster* the three and twentieth day of *January* in the fifth year of the reign of the said king *Edward* the sixth, and there continued and kept until the fifteenth day of *April* in the sixth year of his reign, intituled, *an act made for declaration of a statute made for the marriage of priests, and for the legitimation of their children*; shall stand revived, and be in force for ever, the said act of repeal notwithstanding: and the children of ecclesiastical

Ecclesiastical persons. 5 & 6 Ed. 6. c. 12. made perpetual.

The children of ecclesiastical persons shall be legitimate and inheritable. persons in the said act mentioned, shall be and continue' legitimate and inheritable to all intents and purposes, in such sort as children of lay persons do enjoy and may inherit; any canon or constitution to the contrary notwithstanding.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MARRIAGES OF THE ROYAL FAMILY.

28 HENRY 8, CAP. 7.—*An act for the establishment of the imperial crown of this realm.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 262.

28 HENRY 8, CAP. 18.—It shall be high treason for any man to espouse, marry or take to his wife, any of the king's children being lawfully born, or otherwise commonly reputed for his children, or any of the king's sisters, or aunts of the part of the father, or any of the lawful children of the king's brethren or sisters, or to contract matrimony with any of them, without the king's licence first had under the great seal, or to deflower any of them being unmarried: and the woman so offending shall incur the like danger.

REP. 1 Ed.
6, c. 12. 1 M.
sess. 1. c. 1.

12 GEORGE 3, CAP. 11.—*An act for the better regulating the future marriages of the royal family.*—Most gracious sovereign, whereas your majesty, from your paternal affection to your own family, and from your royal concern for the future welfare of your people, and the honor and dignity of your crown, was graciously pleased to recommend to your parliament to take into their serious consideration, whether it might not be wise and expedient to supply the defect of the laws now in being; and, by some new provision, more effectually to guard the descendants of his late majesty king *George* the second, (other than the issue of princesses who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your majesty, your heirs, or successors, first had and obtained; we have taken this weighty matter into our serious consideration; and, being sensible that marriages in the royal family are of the highest importance to the state, and that therefore the kings of this realm have ever been entrusted with the care and approbation thereof; and, being thoroughly convinced of the wisdom and expediency of what your majesty has thought fit to recommend, upon this occasion, we, your majesty's most dutiful and loyal subjects the lords spiritual and temporal, and commons, in this present parliament assembled, do humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no descendant of the body of his late majesty king *George* the second, male or female, (other than the issue of princesses who have married, or may hereafter marry, into foreign families) shall be capable of contracting matrimony without the previous consent of his majesty, his heirs, or successors, signified under the great seal, and declared in council, (which consent, to preserve the memory thereof, is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the privy council); and that every marriage or matrimonial contract, of any such descendant, without such consent

Preamble.

No descendant of his late majesty, *Geo.* 2. (other than the issue of princesses married, or who may marry into foreign families) shall be capable of contracting matrimony without the

previous consent of his majesty, his heirs, &c. first had and obtained, shall be null and void, to all intents and purposes whatsoever. signified under the great seal, declared in council, and entered in the privy council books. Every marriage of any such descendant, without such consent, shall be null and void.

In case any descendant of Geo. 2. being above 25 years old, shall persist to contract a marriage disapproved of by his majesty, such descendant, after giving 12 months notice to the privy council, may contract such marriage; and the same may be duly solemnized, without the previous consent of his majesty; and shall be good; except both houses of parliament shall declare their disapprobation thereof.

II. Provided always, and be it enacted by the authority aforesaid, that in case any such descendant of the body of his late majesty king *George* the second, being above the age of twenty-five years, shall persist in his or her resolution to contract a marriage disapproved of, or dissented from, by the king, his heirs, or successors; that then such descendant, upon giving notice to the king's privy council, which notice is hereby directed to be entered in the books thereof, may, at any time from the expiration of twelve calendar months after such notice given to the privy council as aforesaid, contract such marriage; and his or her marriage with the person before proposed, and rejected, may be duly solemnized, without the previous consent of his majesty, his heirs, or successors; and such marriage shall be good, as if this act had never been made, unless both houses of parliament shall, before the expiration of the said twelve months, expressly declare their disapprobation of such intended marriage.

Persons who shall wilfully solemnize, or assist at the celebration of such marriage, without such consent, shall on conviction, incur the penalties provided by the statute and premunire 16 Rich. 2.

III. And be it further enacted by the authority aforesaid, that every person who shall knowingly or wilfully presume to solemnize, or to assist, or to be present at the celebration of any marriage with any such descendant, or at his or her making any matrimonial contract, without such consent as aforesaid first had and obtained, except in the case above mentioned, shall, being duly convicted thereof, incur and suffer the pains and penalties ordained and provided by the statute of provision and *premunire* made in the sixteenth year of the reign of *Richard* the second.

3 & 4 VICTORIA, CAP. 52, SECS. 4 & 6.—*An act to provide for the administration of the government in case the crown should descend to any issue of her majesty whilst such issue shall be under the age of eighteen years, and for the care and guardianship of such issue.*

The king or queen not to marry under the age of 18, without consent of the regent and assent of parliament.

IV. And be it further enacted by the authority aforesaid, that it shall not be lawful for the king or queen of this realm, for whom a regent is hereby appointed, to intermarry before his or her age of eighteen years, with any person whomsoever, without the consent, in writing, of the regent, and the assent of both houses of parliament, previously obtained; and every marriage without such consent, and such assent of the two houses of parliament, shall be null and void to all intents and purposes; and every person who shall be acting, aiding, abetting, or concerned in obtaining, procuring, or bringing about any such marriage, and the person who shall be so married to such king or queen under the age of eighteen years, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

Abetting such marriage, high treason.

In case his royal highness should marry a person professing the

VI. Provided always, and be it further enacted, that if his said royal highness prince *Albert* shall, at any time after becoming such guardian and regent, be reconciled to or shall hold communion with the see or church of *Rome*, or shall profess the *Popish* religion, or

shall marry a person professing the *Roman catholic* religion, or shall cease to reside in or absent himself from the united kingdom of *Great Britain and Ireland*, then and in any of such cases his said royal highness shall no longer be guardian and regent, and all the powers and authorities which he may have derived under and by virtue of this act shall thenceforth cease and determine.

Roman catholic religion, his powers under this act to determine.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MINISTERS OF CHURCHES, SCOTLAND.

4 & 5 WILLIAM 4, CAP. 41.—*An act to regulate the appointment of ministers to churches in Scotland erected by voluntary contribution.*

Ministers to places of worship in Scotland built by voluntary contribution, and erected into parochial churches, to be appointed according to the mode prescribed by the church courts.

Saving the rights of patrons.

Proviso for parishes in which are churches erected by voluntary contribution.

Act not to affect powers of commissioners of

—Whereas in many parishes in *Scotland* the means of public worship provided by the established church of *Scotland* are inadequate to the extent of the population; and it is expedient to encourage the erection of additional places of worship by voluntary contributions: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where any church, chapel, or other place of worship in *Scotland*, built or acquired and endowed by voluntary contribution, shall, according to the provisions of the existing law, be erected into a parochial church, either as an additional church within a parish already provided with a parochial church, or as the church of a separate parish to be erected out of a part or parts of any existing parish or parishes, whether the same be established and erected merely *quoad spiritualia* by the authority of the church courts of the established church of *Scotland*, or also *quoad temporalia* by authority of the lords of council and session, as commissioners of teinds, neither the king's majesty, nor any private person, nor any body politic or corporate, having right to the patronage of the parish or parishes within which such additional churches shall be established, or out of which such new parishes shall be erected, shall have any claim, right, or title whatsoever to the patronage of such newly established churches or newly erected parishes; but the appointment of ministers thereto shall be made according to the manner and subject to the conditions which shall be or have been prescribed by the said church courts, subject always to such alterations as shall be made by them according to the laws of the church from time to time: provided always, that nothing in this act contained shall extend or be construed to extend to depriving his majesty or others, patrons of parishes in *Scotland*, of their right to present ministers to the existing parochial churches thereof: provided always, that neither any part of the stipends of ministers appointed for the service of any such additional churches to be erected by voluntary contribution as aforesaid, nor any charge for the support or repairs of any such church, school house, or other building appertaining to the same, nor for the erection or support or repairs of any manse or building for the residence of such ministers, nor for the provision of any glebe for any of such ministers aforesaid, nor for the support of any schoolmaster, shall be imposed on or become chargeable on the teinds or to the heritors of any parish or magistrates of towns in which any such church as aforesaid shall be erected or endowed by voluntary contribution as aforesaid: provided also, that nothing herein contained shall be construed to limit or affect the powers of the commissioners of teinds exercised under and according to the

provisions of the act of the *Scottish* parliament, sixth of queen *Anne*, c. 9, intituled *an act anent the plantation of kirks and valuation of teinds*. teinds under 6 Ann. c. 9. (S.)

II. Provided always, and be it enacted, that in every church or chapel which may be erected under the authority of this act not less than one fifth part of the sittings therein shall be at rents to be fixed by the said church courts. One fifth of sittings to be at rents fixed by church courts.

III. Provided always, and be it further enacted, that this act shall not extend to any church or chapel built and endowed in any parish by the patron thereof, who shall retain every right to which he would have been legally entitled had this act never been passed into law. Act not to extend to churches built in any parish by the patron.

IV. And be it enacted, that if in any parish a church or chapel shall be built and endowed at the joint expense of the patron thereof and of one or more heritors therein, and of no other persons, the legal rights of the patron shall take full effect as aforesaid, unless an objection shall be transmitted in writing to the moderator of the presbytery of the bounds, and signed by such a number of the heritors as shall have contributed one fourth part of the whole sum laid out or to be expended in the said building and endowment, in which case the said church or chapel shall fall within the provisions of this act. Providing for churches built by patron and heritors only.

6 & 7 VICTORIA, CAP. 61.—*An act to remove doubts respecting the admission of ministers to benefices in that part of the united kingdom called Scotland.*—See Title—"BENEFICES," vol. i. p. 258.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1814.

MINISTERS MONEY, IRELAND.

7 & 8 GEORGE 4, CAP. 34.—*An act to amend the acts relating to the provision of ministers in cities and corporate towns in Ireland.*—

Irish act,
17 & 18 Car.
2, c. 7.

Whereas by an act made in the parliament of *Ireland* in the session holden in the seventeenth and eighteenth years of the reign of king *Charles* the second, among other things for provision of ministers in cities and corporate towns in *Ireland*, it is enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors, and six or more of his majesty's privy council in *Ireland*, to allot, ascertain, set forth, and charge certain sums of money to be paid to the several incumbents within the city and suburbs of *Dublin*, and liberties thereunto adjoining, and other cities and towns corporate in *Ireland*, who have actual cure of souls in each parish respectively, out of the houses belonging to such parish respectively, according to the yearly value of each house, to be allotted and charged on the inhabitants in manner in the said act mentioned; and that the sum so allotted and charged shall be received by the churchwardens of each parish respectively, and by them paid to the several and respective incumbents; and in case of refusal or delay of payment, such churchwardens are by the said act empowered to levy such sums by distress and sale; and on failure of their duties therein, such churchwardens are punishable as in the said act is provided: and whereas by an act made in the parliament of *Ireland* in the thirty-third year of the reign of king *George* the third, intituled *an act respecting the collection of public money to be levied in the county of the city of Dublin, by presentment*, the churchwardens in the respective parishes in the county of the said city are required to return to the treasurer of the public money an exact account of the gross sum of ministers money payable by the inhabitants of each and every such parish: and whereas the performance of the duties required by the said acts by the churchwardens of parishes is in many respects grievous to such churchwardens; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that at any time after the passing of this act it shall and may be lawful for the several and respective incumbents and their respective successors, within the city and suburbs of *Dublin*, and liberties thereunto adjoining, and within other cities and towns corporate in *Ireland*, who have actual cure of souls in each parish respectively, and such incumbents are hereby respectively authorized, empowered, and required from time to time, by any writing under the hand of any such incumbent respectively, to nominate and appoint any person or persons willing to act as such, to be a collector or collectors of all sums allotted or charged according to the said recited act of the seventeenth and eighteenth years of king *Charles* the second, for ministers money, upon the inhabitants of the respective houses in any and every such parish respectively;

33 G. 3, c. 56.

Incumbents may appoint collectors of ministers money in *Dublin* and other cities and towns; and such collectors shall have like power in collecting, &c. such money, as churchwardens have underrecited acts.

and every such collector so appointed shall collect and receive all sums so allotted or charged, and shall pay the same to the several and respective incumbents, in like manner as churchwardens are directed to do by the said recited act; and in case of refusal or delay of payment of any sums so allotted or charged, it shall be lawful for any and every such collector to levy and distrain for the same in like manner as churchwardens are empowered to do by the said recited act; and it shall be lawful for any and every such collector, and he and they is and are hereby authorized and empowered, to do and perform all such matters and things, and shall be subject to all such liabilities as any churchwarden or churchwardens is or are authorized or required to do or are subject to with respect to any sums so allotted or charged for ministers money as aforesaid, under or by virtue of the said recited acts or either of them, or any other act or acts relating to such ministers money, in force in *Ireland* immediately before the passing of this act.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MORAVIANS.

20 GEORGE 2, CAP. 44.—*An act to extend the provisions of an act made in the thirteenth year of his present majesty's reign, intituled, an act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his majesty's colonies in America, to other foreign protestants who conscientiously scruple the taking of an oath.*—See Title—"PROTESTANTS, FOREIGN, NATURALIZED."

22 GEORGE 2, CAP. 30.—*An act for encouraging the people known by the name of Unitas Fratrum, or United Brethren, to settle in his majesty's colonies in America.*—Whereas many of the people of the church or congregations called the *Unitas Fratrum*, or *United Brethren*, are settled in his majesty's colonies in *America*, and demean themselves there as a sober, quiet and industrious people; and many others of the same persuasion are desirous to transport themselves to, and make larger settlements in, the said colonies at their own expense, provided they may be indulged with a full liberty of conscience, and in the exercise of the religion they profess; and several of the said brethren do conscientiously scruple the taking of an oath, and likewise do conscientiously scruple bearing arms, or personally serving in any military capacity, although they are willing and ready to contribute whatever sums of money shall be thought a reasonable compensation for such service, and which shall be necessary for the defence and support of his majesty's person and government: and whereas the said congregations are an ancient protestant episcopal church, which has been countenanced and relieved by the kings of *England*, your majesty's predecessors: and whereas the encouraging the said people to settle in *America*, will be beneficial to the said colonies; therefore may it please your majesty, at the humble petition of *Abraham* baron of *Gersdorff*, *Lewis* baron *Schrautenbach* free lord of *Lindheim*, *David Nitschmann* syndic, *Charles Sehachmann* baron of *Hermisdorff*, and *Henry Cossart* agent, deputies from the said *Moravian* churches, in behalf of themselves and their *United Brethren*, that it may be enacted, and be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of *June* one thousand seven hundred and forty-nine, every person being a member of the said protestant episcopal church, known by the name of *Unitas Fratrum*, or the *United Brethren*, and which church was formerly settled in *Moravia* and *Bohemia*, and are now in *Prussia*, *Poland*, *Silesia*, *Lusatia*, *Germany*, the *United Provinces*, and also in his majesty's dominions, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or shall be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following:

Members of
Unitas Fra-
trum allowed
to make a
solemn affir-
mation in
lieu of an
oath.

I *A. B.* do declare in the presence of Almighty God, the witness of the truth of what I say. Form of affirmation.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places where by law an oath is or shall be required within the kingdoms of *Great Britain* and *Ireland*, and also in all and every of his majesty's colonies and dominions in *America*, as if such person had taken an oath in the usual form.

II. And be it further enacted by the authority aforesaid, that any person making such solemn affirmation or declaration, who shall be lawfully convicted, wilfully, falsely and corruptly to have affirmed or declared any matter or thing, which, if the same had been deposed on oath in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury. Penalty of false affirming.

III. Provided, and be it enacted, that no person being of the said church or congregation called the *Moravian* or *United Brethren*, shall by virtue of this act be qualified to give evidence in any criminal causes, or to serve on juries; any thing contained in this act to the contrary notwithstanding. Not to extend to criminal cases. &c.

IV. And be it further enacted, that every person who is a member of the said church or congregation, who shall reside in any of his majesty's colonies in *America*, who shall at any time after the said twenty-fourth day of *June* one thousand seven hundred and forty-nine, be summoned to bear arms, or do military service, in any of his majesty's said colonies or provinces of *America*, shall, on his application to the governor or commander in chief of the said colony or province, or to such officer or person by whom such person shall have been summoned or required to serve, or be mustered, be discharged from such personal service; provided that such person, so desiring to be discharged from such personal service, contribute and pay such sum of money as shall be rated and assessed on him in lieu of such personal service, so as such sum shall be rated, assessed and levied, and be in such proportion, as is usually rated, assessed, levied and paid, by other persons residing in the same colony or province, who are by reason of age, sex, or other infirmity, unable to do personal service, and who are possessed of estates of the same nature as the persons desiring such discharge. Moravians summoned to do any military service to be discharged upon payment of the rate assessed

V. And to prevent any doubt which may arise, whether any person, pretending or claiming to be a member of such church or congregation, is actually a member thereof, be it further enacted by the authority aforesaid, that all and every person and persons whatsoever, who shall, as a member or members of such church or congregation, claim the benefit of this act, or of any matter or thing herein contained, shall, at the time when he or they make such claim, produce a certificate signed by some bishop of the said church, or by the pastor of such church or congregation, who shall be nearest to the place where such claim is made; and shall be examined concerning the matters contained in the said certificate, and the due execution thereof; and such person so affirming to and producing a certificate from some bishop of the said church, &c.

the best of his knowledge and belief in manner hereinbefore mentioned, or proving by the testimony of other legal witness, that the said certificate was duly executed by such bishop or pastor, and also affirming, that he is actually a member of the said church, known by the name of *Unitas Fratrum*, or *United Brethren*, shall be adjudged, deemed and taken to be actually a member of the said church or congregation, and as such shall be entitled to the benefit of this act.

Penalty of
false affirm-
ing.

VI. And be it further enacted, that any person who shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or declared in manner aforesaid, that such certificate was duly executed, or that he is a member of such church, when in fact such affirmation is untrue, such person so falsely affirming, and being duly convicted thereof, shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

The advocate
to lay before
the commis-
sioners for
trade lists of
the bishops
appointed to
grant certifi-
cates, &c.

VII. And that it may be known whether such bishops and pastors, so signing such certificates, be of the church known by the name of *Unitas Fratrum*, or *United Brethren*, within the meaning of this act, be it further enacted, that the advocate of the said church or congregation of the *United Brethren* for the time being, shall lay, or cause to be laid before *the commissioners for trade and plantations*, in order that the same may remain in their office, a list or lists of all the bishops of the said church of the *United Brethren*, who are appointed by them to grant certificates as aforesaid, together with the handwriting, and usual seal; and that, from time to time, the said advocate shall send to the said commissioners for trade and plantations, the names, handwriting, and seals of any bishops, that shall be hereafter consecrated and appointed by them as aforesaid, and the names of such pastors as shall be authorized by the said advocate or bishops to give certificates in any of his majesty's colonies in *America*.

Public act.

VIII. And be it enacted and declared by the authority aforesaid, that this act shall be deemed, adjudged and taken to be a public act; and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

3 & 4 WILLIAM 4, CAP. 49.—*An act to allow Quakers and Moravians to make affirmation in all cases where an oath is or shall be required.*—See Title—"QUAKERS."

1 VICTORIA, CAP. 5.—*An act for the relief of Quakers, Moravians, and Separatists elected to municipal offices.*—See Title—"QUAKERS."

1 VICTORIA, CAP. 15.—*An act for the further relief of Quakers, Moravians, and Separatists.*—See Title—"QUAKERS."

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MORTMAIN.

9 HENRY 3, (MAGNA CHARTA), CAP. 36.—*No land shall be given in mortmain.*—It shall not be lawful from henceforth to any to give his lands to any religious house, and to take the same land again to hold of the same house. Nor shall it be lawful to any house of religion to take the lands of any, and to lease the same to him of whom he received it. If any from henceforth give his lands to any religious house, and thereupon be convict, the gift shall be utterly void, and the land shall accrue to the lord of the fee.

Fitz. Mortm.
1, 3.
Bro. Mortm.
36.
2 Inst. 74.
Wood's Inst.
301.

3 EDWARD 1, CAP. 47.—*In what case the nonage of the heir of the disseisor or disseisee shall not prejudice.*—See Title—"ABBOTS," vol. i. p. 53.

7 EDWARD 1, STAT. 2.—*Who shall take the forfeiture of lands given in mortmain.*—The king to the justices of his bench greeting.

Where of late it was provided, that religious men should not enter into the fees of any without licence and will of the chief lord, of whom such fees be holden immediately; and notwithstanding such religious men have entered as well into their own fees, as into the fees of other men, appropriating and buying them, and sometime receiving them of the gift of others, whereby the services that are due of such fees, and which at the beginning were provided for defence of the realm, are wrongfully withdrawn, and the chief lords do lease their escheats of the same: we therefore to the profit of our realm, intending to provide convenient remedy, by the advice of our prelates, earls, *barons, and other liege men of our kingdom, being of our council, have provided, made, and ordained, that no person, religious or other, whatsoever he be, that will buy or sell any lands or tenements, or under the colour of gift or lease, or that will receive by reason of any other title, whatsoever it be, lands or tenements, or by any other craft or engine will presume to appropriate to himself, under pain of forfeiture of the same, whereby such lands or tenements may anywise come into mortmain. We have provided also, that if any person, religious or other, do presume either by craft or engine to offend against this statute, it shall be lawful to us and other chief lords of the fee immediate, to enter into the land so aliened, within a year from the time of the alienation, and to hold it in fee as an inheritance. And if the chief lord immediate be negligent, and will not enter into such fee within the year, then it shall be lawful to the next chief lord immediate of the same fee to enter into the same land within half a year next following, and to hold it as before is said; and so every lord immediate may enter into such land, if the next lord be negligent in entering into the same fee, as is aforesaid. And if all the chief lords of such fees, being of full age, within the four seas, and out of prison, be negligent or slack in this behalf for one whole year, we, immediately after the year accomplished, from the time that such purchases, gifts, or appropriations hap to be made, shall take such lands and tenements into our

9 H. 3, st. 1,
c. 36.
1 Roll 154,
157, 457.
2 Roll 170.
9 H. 3, st. 1
& 2, c. 36.
8 H. 4, 15.
41 Ed. 3, 16,
21.
47 Ed. 3, 11.
Bro. Mort-
main, 15, 16,
18, 20, 24, 27,
31, 38, 39, 41,
43.
50 Ed. 3, 22.
Fitz. Mort-
main, 13.
Co. Lit. 2 b.
15 Ed. 4, 13.
Fitz. Forme-
don, 57.
Fitz. Quare
imp. 163.
* Not in orig.
No land shall
be aliened in
mortmain
upon pain of
the forfeiture
thereof.
2 Bulstr. 187.
3 Bulstr. 45.

Who shall
take the be-
nefit of the
forfeiture.

hand, and shall infeoff other therein by certain services to be done to us for the defence of our realm; saving to the chief lords of the same fees their wards and escheats, and other services thereunto due and accustomed. And therefore we command you, that ye cause the foresaid statute to be read before you, and from henceforth to be kept firmly and observed. Witness myself at *Westminster* the fifteenth day of *November*, the seventh year of our reign.

13 EDWARD 1, STAT. 1, CAP. 32.—*Mortmain by recovery of land by default.*—When religious men and other ecclesiastical persons do implead any, and the party impleaded maketh default, whereby he ought to lease the land, forasmuch as the justices have thought hitherto, that if the party impleaded make default by collusion, that where the demandant, by occasion of the statute, could not obtain seizin of the land by title of gift, or other alienation, he shall now by reason of the default, and so the statute is defrauded; it is ordained by our lord the king, and granted, that in this case, after the default made, it shall be inquired by the country, whether the demandant had right in the thing demanded, or no. And if it be found that the demandant had right in his demand, the judgment shall pass with him, and he shall recover seizin; and if he hath no right, the land shall accrue to the next lord of the fee, if he demand it within a year from the time of the inquest taken; and if he do not demand it within the year, it shall accrue to the next lord above, if he do demand it within half a year after the same year; and so every lord after the next lord shall have the space of half a year to demand it successively, until it come to the king, to whom at length, through default of other lords, the lands shall accrue. And to challenge the jurors of the inquest, every of the chief lords of the fees shall be admitted, and likewise for the king, they that will shall challenge; and after the judgment given, the land shall remain clear in the king's hands, until it be dereigned by the demandant, or some other chief lord, and the sheriff shall be charged to answer therefore at the exchequer.

7 Ed. 1, st. 2.
2 Inst. 428.

Fitz. Coll. 1,
2, 4, 5, 6, 7, 9,
10, 11, 22, 24,
25, 26, 27, 31,
40, 42, 46.
10 H. 7, f. 3.
11 Ed. 3, st. 3,
c. 3.*

Every chief
lord may
challenge
the jurors.

9 H. 3, st. 1,
c. 36.

13 EDWARD 1, STAT. 1, CAP. 33.—*Lands where crosses be set, shall be forfeited as lands aliened in mortmain.*—Forasmuch as many tenants set up crosses, or cause to be set up in their lands, in prejudice of their lords, that tenants should defend themselves against the chief lords of the fee, by the privileges of templars and hospitalers; it is ordained, that such lands shall be forfeit to the chief lords, or to the king, in the same manner as is provided for lands aliened in mortmain.

2 Inst. 431.

OBS.

18 EDWARD 1, STAT. 1, CAP. 3.—*No feoffment shall be made to assure land in mortmain.*—And it is to be understood, that by the said sales or purchases of lands or tenements, or any parcels of them, such lands or tenements shall in no wise come into mortmain, either in part or in whole, neither by policy nor craft, contrary to the form of the statute made thereupon of late. And it is to wit, that this statute extendeth but only to lands holden in fee-simple; and that it extendeth to the time coming, and it shall begin to take effect at the feast of *Saint Andrew* the apostle next coming. Given the eighteenth year of the reign of king *Edward*, son to king *Henry*.

2 Inst. 504.

9 H. 3, st. 1,
c. 36.

* This seems to be a mistaken reference.

27 EDWARD 1, STAT. 2.—*In what cases the writ ad quod damnum is to be sued. A commission may be granted to receive attornies for such as be impleaded.*—It is to be known, that the king ordained at *Westminster*, the first day of *April*, the twentieth year of his reign that such as would purchase a new park, and men of religion that would amortise lands or tenements, should have writs out of the chancery to inquire upon the points accustomed in all such things; and that inquests of lands or tenements that be worth yearly more than twenty shillings, **that is to wit, by extent*, be returned into the exchequer, and there make fine for the amortisements, or for the park having, if the inquests do pass for him that purchased them; and after it shall be certified unto the chancellor or his deputy, that he take a reasonable fine therefore, and after make delivery.

In what cases the writ ad quod damnum is to be used.

* Not in orig.

II. In like manner they shall do, that will purchase lands or tenements holden of the king in chief.

Purchase of lands holden in chief.

III. Also people dwelling beyond the sea, that have lands, tenements, or rents in *England*, if they will purchase letters of protection, or will make general attornies, they shall be sent unto the exchequer, and there shall make their fines, and from thence shall be sent unto the chancellor or his deputy, for that which he ought to do therein.

Purchasing of protections, making general attornies. See 33 Ed. 1, st. 1.

IV. In like manner they shall do, that will purchase any fair, market, warren, or any other liberty. Also such as will purchase attermining of their debts shall be sent into the exchequer.

Purchasing of liberties.

V. Also, such as be not able to travel, and people that dwell in far countries from the chancery, which plead or be impleaded, shall have a writ out of the chancery to some sufficient man, that shall receive their attornies when need is.

Attorney. 20 H. 3, c. 10. Rast 96.

VI. And for a remembrance of these things, there is an indenture made, divided into three parts, whereof one part remaineth in the chancery, another in the exchequer, and the third in the wardrobe.

Regist. 247, &c. Rast. 25.

34 EDWARD 1, STAT. 3.—*That lands shall not be aliened in mortmain, where there be mesnes, without their consent.*—Touching the king's grant to be made upon inquests returned into the chancery for lands to be aliened into mortmain, the king commandeth that nothing shall be done (where there be any lords mean) except the religious persons can shew to our lord the king their assent under their patents sealed with their seals; and that nothing shall pass in case where the donor reserveth nothing to himself. And likewise where inquisitions be made and returned without warrant, that is to wit, the writ original returned with the inquest, and likewise unless the writ original make mention of every thing, according to the new ordinance devised by the king.

9 H. 3, st. 1, c. 36. 7 Ed. 1, st. 2. 13 Ed. 1, st. 1, c. 32. Ordin. de libertat. perquir. 27 Ed. 1.

18 EDWARD 3, STAT. 3, CAP. 3.—*Prelates impeached for purchasing lands in mortmain.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 u.

15 RICHARD 2, CAP. 5.—*Assurance of lands to certain places, persons, and uses, shall be adjudged mortmain.*—Item, whereas it is contained in the statute, *de religiosis*, that no religious, nor other whatsoever he be, do buy or sell, or under colour of gift, or term, or any other manner of title whatsoever, receive of any man, or in any manner by gift or engine cause to be appropriated unto him any lands or tenements, upon pain of forfeiture of the same, whereby

7 Ed. 1, st. 2

It is within the compass of the statute of mortmain to convert any land to a church-yard.

Mortmain where some be seized of lands to the use of religious or spiritual persons.

Mortmain to purchase lands to guilds, fraternities, offices, commonalties.

Mortmain in respect of taking of lands in use,
8 H. 4, f. 15.
1 Co. 123.
9 H. 3, st. 1, c. 36.

the said lands and tenements in any manner might come to mortmain. And if any religious, or any other, do against the said statute by art or engine in any manner, that it be lawful to the king, and to other lords, upon the said lands and tenements to enter, as in the said statute doth more fully appear. And now of late by subtile imagination, and by art, and engine, some religious persons, parsons, vicars, and other spiritual persons, have entered in divers lands and tenements, which be adjoining to their churches, and of the same, by sufferance and assent of the tenants, have made churchyards, and by bulls of the bishop of *Rome* have dedicated and hallowed the same, and in them do make continually parochial burying without licence of the king and of the chief lords; therefore it is declared in this parliament, that it is manifestly within the compass of the said statute. And moreover it is agreed and assented, that all they that be possessed by feoffment, or by other manner, to the use of religious people, or other spiritual persons, of lands and tenements, fees, advowsons, or any manner other possessions whatsoever, to amortise them, and whereof the said religious and spiritual persons take the profits, that betwixt this and the feast of *Saint Michael* next coming, they shall cause them to be amortised by the licence of the king and of the lords, or else that they shall sell and alien them to some other use between this and the said feast, upon pain to be forfeited to the king, and to the lords, according to the form of the said statute of religious, as lands purchased by religious people: and that from henceforth no such purchase be made, so that such religious or other spiritual persons take thereof the profits, as afore is said, upon pain aforesaid. And that the same statute extend and be observed of all lands, tenements, fees, advowsons, and other possessions, purchased, or to be purchased to the use of guilds or fraternities. And moreover it is assented, because mayors, bailiffs, and commons of cities, boroughs, and other towns which have a perpetual commonalty, and others which have offices perpetual, be as perpetual as people of religion, that from henceforth they shall not purchase to them, and to their commons or office, upon pain contained in the said statute *de religiosis*. And whereas others be possessed, or hereafter shall purchase to their use, and they thereof take the profits, it shall be done in like manner as is aforesaid of people of religion.

23 HENRY 8, CAP. 10.—*An act for feoffments and assurances of lands, and tenements made to the use of any parish church, chapel, or such like.*—See Title—"FEOFFMENTS MADE TO CHARITABLE USES," vol. iii. p. 101.

1 & 2 PHILIP & MARY, CAP. 8, SECS. 51—53.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 142.

1 ELIZABETH, CAP. 1, SEC. 2.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 145.

39 ELIZABETH, CAP. 5.—*An act for erecting of hospitals, or abiding and working houses for the poor.*—See Title—"HOSPITALS," vol. iii. p. 198.

43 ELIZABETH, CAP. 4.—*An act to redress the misemployment of lands, goods and stocks of money heretofore given to certain charitable uses.*—See Title—"CHARITABLE USES," vol. i. p. 481.

17 CHARLES 2, CAP. 3, SECS. 7 & 8.—*An act for uniting churches in cities and towns corporate.*—See Title—"UNION OF CHURCHES AND BENEFICES, ENGLAND."

22 CHARLES 2, CAP. 6, SEC. 10.—*An act for advancing the sale of fee-farm rents, and other rents.*

X. And be it further enacted, that it shall and may be lawful to and for any bodies politic or corporate, to purchase any the fee-farm rents or other rents so to be conveyed as aforesaid, and the same rents so purchased to retain and keep to them and their successors; any statutes of mortmain to the contrary notwithstanding.

Corporations may buy and enjoy the rents notwithstanding the statute of mortmain.

7 & 8 WILLIAM 3, CAP. 37.—*An act for the encouragement of charitable gifts and dispositions.*—Whereas it would be a great hinderance to learning, and other good and charitable works, if persons well inclined may not be permitted to found colleges or schools for encouragement of learning, or to augment the revenues of colleges or schools already founded, by granting lands, tenements, rents or other hereditaments to such colleges or schools, or to grant lands or other hereditaments to other bodies politic or incorporated now in being, or hereafter to be incorporated, for other good and public uses; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the king, our most gracious sovereign lord, and for his heirs and successors, when and as often, and in such cases as his majesty, his heirs or successors, shall think fit, to grant to any person or persons, bodies politic or corporate, their heirs and successors licence to alien in mortmain, and also to purchase, acquire, take, and hold in mortmain, in perpetuity or otherwise any lands, tenements, rents or hereditaments whatsoever, of whomsoever the same shall be holden.

9 G. 2, c. 36.

9 H. 3, c. 36.

The king may grant licences to alien, or purchase in mortmain.

II. And it is hereby declared, that lands, tenements, rents or hereditaments, so aliened, or acquired and licensed, shall not be subject to any forfeiture, for or by reason of such alienation or acquisition.

Lands so aliened not subject to forfeiture.

2 & 3 ANNE, CAP. 11.—*An act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 189.

9 GEORGE 2, CAP. 36.—*An act to restrain the disposition of lands, whereby the same become unalienable.*—Whereas gifts or alienations of lands, tenements or hereditaments, in mortmain, are prohibited or restrained by *Magna Charta*, and divers other wholesome laws, as prejudicial to and against the common utility; nevertheless this

Preamble.

After 24 June 1736, no manors, lands, &c. nor money to be laid out in lands, to be given for charitable uses, unless by deed indented, and executed before two witnesses 12 months before the death of the donor, and enrolled, &c.

public mischief has of late greatly increased by many large and improvident alienations or dispositions made by languishing or dying persons, or by other persons, to uses called charitable uses, to take place after their deaths, to the disherison of their lawful heirs; for remedy whereof be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of *June*, which shall be in the year of our Lord one thousand seven hundred and thirty-six, no manors, lands, tenements, rents, advowsons or other hereditaments, corporeal or incorporeal whatsoever, nor any sum or sums of money, goods, chattles, stocks in the public funds, securities for money, or any other personal estate whatsoever, to be laid out or disposed of in the purchase of any lands, tenements or hereditaments, shall be given, granted, aliened, limited, released, transferred, assigned or appointed, or any ways conveyed or settled to or upon any person or persons, bodies politic or corporate, or otherwise, for any estate or interest whatsoever, or any ways charged or incumbered by any person or persons whatsoever, in trust, or for the benefit of any charitable uses whatsoever; unless such gift, conveyance, appointment or settlement of any such lands, tenements or hereditaments, sum or sums of money, or personal estate (other than stocks in the public funds) be and be made by deed indented, sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such donor or grantor (including the days of the execution and death) and be enrolled in his majesty's high court of chancery, within six calendar months next after the execution thereof; and unless such stocks be transferred in the public books usually kept for the transfer of stock six calendar months at least before the death of such donor or grantor (including the days of the transfer and death) and unless the same be made to take effect in possession for the charitable use intended, immediately from the making thereof, and be without any power of revocation, reservation, trust, condition, limitation, clause or agreement whatsoever, for the benefit of the donor or grantor, or of any person or persons claiming under him.

The said limitations not to extend to purchases or transfers made for valuable considerations.

II. Provided always, that nothing hereinbefore mentioned relating to the sealing and delivering of any deed or deeds twelve calendar months at least before the death of the grantor, or to the transfer of any stock six calendar months before the death of the grantor or person making such transfer, shall extend, or be construed to extend, to any purchase of any estate or interest in lands, tenements or hereditaments, or any transfer of any stock, to be made really and *bona fide* for a full and valuable consideration actually paid at or before the making such conveyance or transfer without fraud or collusion.

Gifts, &c. made after 24 June 1736, otherwise than directed by this act, to be absolutely void.

III. And be it further enacted by the authority aforesaid, that all gifts, grants, conveyances, appointments, assurances, transfers and settlements whatsoever, of any lands, tenements or other hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect any lands, tenements or hereditaments, or of any stock, money, goods, chattles or other personal

estate, or securities for money to be laid out or disposed of in the purchase of any lands, tenements or hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect the same, to or in trust for any charitable uses whatsoever, which shall at any time from and after the said twenty-fourth day of *June* one thousand seven hundred and thirty-six, be made in any other manner or form than by this act is directed and appointed, shall be absolutely, and to all intents and purposes, null and void.

IV. Provided always, that this act shall not extend, or be construed to extend, to make void the dispositions of any lands, tenements or hereditaments, or of any personal estate to be laid out in the purchase of any lands, tenements or hereditaments, which shall be made in any other manner or form than by this act is directed, to or in trust for either of the two universities within that part of *Great Britain* called *England*, or any of the colleges or houses of learning within either of the said universities, or to or in trust for the colleges of *Eton*, *Winchester*, or *Westminster*, or any or either of them, for the better support and maintenance of the scholars only upon the foundations of the said colleges of *Eton*, *Winchester*, and *Westminster*. But not to prejudice the two universities, or the colleges of Eton, Winchester, or Westminster

V. Provided nevertheless, and be it enacted by the authority aforesaid, that no such college or house of learning, which doth or shall hold or enjoy so many advowsons of ecclesiastical benefices as are or shall be equal in number to one moiety of the fellows or persons usually styled or reputed as fellows, or, where there are or shall be no fellows or persons usually styled or reputed as fellows, to one moiety of the students upon the foundation, whereof any such college or house of learning doth or may by the present constitution of such college or house of learning consist, shall from and after the twenty-fourth day of *June* one thousand seven hundred and thirty-six, be capable of purchasing, acquiring, receiving, taking, holding or enjoying any other advowsons of ecclesiastical benefices by any means whatsoever; the advowsons of such ecclesiastical benefices as are annexed to, or given for the benefit or better support of the headships of any of the said colleges or houses of learning, not being computed in the number of advowsons hereby limited. No college to hold more advowsons than shall be equal to one moiety of their fellows, &c.

VI. Provided always, that nothing in this act contained shall extend or be construed to extend to the disposition, grant or settlement of any estate real or personal, lying or being within that part of *Great Britain* called *Scotland*. This act not to extend to estates in Scotland.

43 GEORGE 3, CAP. 108.—*An act to promote the building, repairing, or otherwise providing of churches and chapels, and of houses for the residence of ministers, and the providing of church-yards and glebes.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 47.

45 GEORGE 3, CAP. 101.—*An act to repeal so much of an act, passed in the ninth year of the reign of his late majesty king George the second, intituled, an act to restrain the disposition of lands, whereby the same become unalienable, as restrains colleges within the two universities of Oxford and Cambridge from purchasing or holding advowsons, except as therein is provided.*—See Title—"ADVOWSONS," vol. i. p. 108.

3 & 4 VICTORIA, CAP. 60.—*An act to further amend the church building acts.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 165.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

MORTUARIES.

13 EDWARD 1, STAT 4. CIRCUMSPECTE AGATIS.—*Certain cases wherein the king's prohibition doth not lie.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 1.

26 HENRY 8, CAP. 15.—*To avoid exactions taken by spiritual men in the archdeaconry of Richmond.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 527.

21 HENRY 8, CAP. 6.—*Where mortuaries ought to be paid, for what persons, and how much; and in what case none is due.*—Forasmuch as question, ambiguity, and doubt is chanced and risen upon the order, manner, and form of demanding, receiving, and claiming of mortuaries, otherwise called *corse presents*, as well for the greatness and value of the same, which, as hath lately been taken, is thought over excessive to the poor people and other persons of this realm, as also for that such mortuaries or corse presents have been demanded and levied, for such as at the time of their death have had no property in any goods or chattels, and many times for travelling and wayfaring men, in the places where they have fortune to die; to the intent that all doubt, contention, and uncertainty herein may be removed, and as well the generality of the king's people therein remedied, as also of the parsons, vicars, parish priests, curates, and other having interest in such mortuaries and corse presents indifferently provided for:

13 Co. 9.
The causes
of limiting in
certainty
what shall be
paid for
mortuaries.

II. Be it therefore enacted, ordained, and established by the king our sovereign lord, and the lords spiritual and temporal, and the commons, of this parliament assembled, and by authority of the same, that from the first day of *April*, in the year of our Lord God one thousand five hundred and thirty, no parson, vicar, curate, nor parish priest, nor any other spiritual person, nor their farmers, bailiffs, nor lessees, shall take, receive, or demand of any person or persons within this realm, for any person or persons dying within the same, any manner mortuary or corse present, nor any sum or sums of money, nor any other thing for the same, more than is hereafter mentioned; nor also shall convent or call any person or persons before any judge spiritual, for the recovery of any such mortuaries or corse presents, or any other thing for the same, more than is hereafter mentioned, upon pain to forfeit for every time so demanding, receiving, taking, or conventing, or calling any such person or persons before any spiritual judge, so much in value as they shall take above the sum limited by this act, and over that forty shillings to the party grieved contrary to this act; for the which forfeiture the party so grieved contrary to this act, shall have an action of debt, by writ, bill, plaint, or information in any of the king's courts, wherein no wager of law, essoin, nor protection shall be allowed.

The penalty
of him that
conventeth
any person
to pay for a
mortuary
more than
is due.

III. First it is ordained, established, and enacted, that no manner of mortuary shall be taken or demanded of any person whatsoever

No mortuary
where the
goods be

under ten marks.
Cro. El. 151.
Cro. Car. 237.
No mortuary but where mortuaries have been.
But one mortuary for one person.
The duty of the parson, &c. for all mortuaries.

he be, which at the time of his death hath in moveable goods under the value of ten marks. Also that no mortuary shall be given asked, or demanded from henceforth of any manner person, but only in such place where heretofore mortuaries have been used to be paid and given, and in those places none otherwise but after the rate and form hereafter mentioned. Nor that any person pay mortuaries in more places than one, that is to say, in the places of their most dwelling and habitation, and there but one mortuary. Nor no parson, vicar, curate, parish priest, or other, shall for any person dying or dead, and being at the time of his death of the value in moveable goods of ten marks, or more, clearly above his debts paid, and under the sum of thirty pounds, take for a mortuary above three and fourpence in the whole. And for a person dying or dead, being at the time of his death of the value of thirty pounds or above clearly, above his debts paid in moveable goods, and under the value of forty pounds, there shall no more be taken or demanded, for a mortuary than six shillings and eightpence in the whole. And for any person dying or dead, having at the time of his death of the value in moveable goods of forty pounds or above, to any sum whatsoever it be, clearly above his debts paid, there shall be no more taken, paid, or demanded for a mortuary than ten shillings in the whole.

A woman covert; a child, or person keeping no house, shall pay no mortuary.

A wayfaring man, or that maketh no residence where he dieth.

IV. Provided alway, that for no woman being covert baron, nor child, nor for any person not keeping house, any manner mortuary be paid, nor that any parson, vicar, curate, parish priest or other, ask, demand, or take for any such woman, child, or for any person not keeping house, dying or dead, any manner thing or money, by way of mortuary; nor also for any wayfaring man, or other, that dwelleth not, nor maketh residence in the place where they shall happen to die, but that the mortuary of such wayfaring persons be answerable in places where mortuaries be accustomed to be paid, and in manner and form, and after the rate before mentioned, and none otherwise, in the place or places where such wayfaring persons at the time of their death had their most habitation, house, and dwelling places, and no where else.

A legacy bequeathed to a parson, &c. or to the altar.

V. Provided alway, that it shall be lawful to all manner parsons, vicars, curates, parish priests, and other spiritual persons, to take and receive any manner sum of money, or other thing, which by any person dying shall fortune to be disposed, given, or bequeathed unto them, or any of them, or to the high altar of the church; this act, or any thing herein mentioned notwithstanding.

No mortuaries in Wales Calais, or Berwick.

VI. And be it also enacted by the authority aforesaid, that no mortuaries nor corse presents, nor any sum or sums of money, or other thing, for any mortuary or corse present, shall be demanded, taken, received, or had in the parts of *Wales*, nor in the marches of the same, nor in the towns of *Calais* or *Berwick*, nor in the marches of the same, but only in such parts and places of *Wales*, marches and towns aforesaid, where mortuaries have been accustomed to be taken and paid; and in those parts and places no mortuaries nor corse presents, nor any other thing for mortuary or corse present from henceforth shall be demanded, taken, received, or had, but only after the form, order, and manner above specified in this present act, and none otherwise, nor of any other person or persons than

is limited by this present act, upon the pain above contained in this present act.

VII. Provided also, that it shall be lawful to the bishops of *Bangor, Llandaff, Saint David's, and Saint Asaph*, and likewise to the archdeacon of *Chester*, to take such mortuaries of the priests within their dioceses and jurisdictions, as heretofore have been accustomed. Provided also, that in such places where mortuaries have been accustomed to be taken of less value than is aforesaid, that no person shall be compelled to pay in any such place any other mortuary, or more for any mortuary than hath been accustomed, nor that any mortuary in such place shall be demanded, taken, received, or had of any person or persons exempt by this act, nor in anywise contrary to this act, upon the pain afore limited.

Mortuaries to be taken by the bishops of Bangor, St. David, St. Asaph, &c. In part repealed by 12 An. st. 2. c. 6. Places where mortuaries have been of less value.

12 ANNE, STAT. 2, CAP. 6.—*An act for taking away mortuaries within the dioceses of Bangor, Llandaff, Saint David's, and Saint Asaph, and giving a recompense therefore to the bishops of the said respective dioceses: and for confirming several letters patents granted by her majesty, for perpetually annexing a prebend of Gloucester to the mastership of Pembroke college in Oxford; and a prebend of Rochester to the provostship of Oriel college in Oxford; and a prebend of Norwich to the mastership of Catherine hall in Cambridge.*—Whereas by an act of parliament passed in the one and twentieth year of the reign of the late king *Henry* the eighth, intituled, *an act where mortuaries ought to be paid, for what persons, and how much, and in what case none is due*, and by a proviso or clause therein contained, it is provided (among other things) that it shall be lawful to the bishops of *Bangor, Llandaff, Saint David's, and Saint Asaph*, to take such mortuaries of the priests within their dioceses and jurisdictions as thentofore had been accustomed; and the bishops of the said dioceses for the time being have accordingly used to demand and take, and continue to demand and take mortuaries upon the death of any clergyman within their said dioceses and jurisdictions; which said mortuaries consisting of several of the best goods of the deceased, do oftentimes amount to a very considerable part of his estate, and the payment thereof does very much lessen that small provision which generally the clergy of those dioceses are able to make for the support of their families, and tends to the great impoverishing of the same: for the remedying whereof for the future, and for abolishing and taking away all mortuaries or corse presents, and the custom or usage of taking and paying mortuaries or corse presents upon the death of clergymen within the said dioceses and jurisdictions: and to the end a reasonable recompense and satisfaction for the same may be provided and established for the bishops of the said dioceses for ever; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, that the said proviso or clause in the said act, and all and every proviso or clause in the same act, so far as the same do or doth relate to the taking any mortuary or corse present upon the death of any clergyman within the said respective dioceses or jurisdictions, shall immediately, from and after the respective times hereinafter mentioned, that is to say, within the said

21 H. 8, c. 6, sec. 7.

The clause in the recited act, so far as it relates to the taking any mortuary in the dioceses of Bangor, Llandaff, St. David's and St. Asaph, repealed.

And the bishops of the said dioceses shall not take any mortuaries after the times limited above.

Recompense to the bishop of St. Asaph and his successors, for such mortuaries.

diocese of *Saint Asaph* from and after the four and twentieth day of *June* in the year of our Lord one thousand seven hundred and fourteen; and within the said diocese of *Bangor*, immediately from and after such time any rectory *sine cura* shall next happen to be void and be in the collation of the present bishop of the said diocese of *Bangor*, or of any of his successors; and within the said diocese of *Llandaff*, immediately from and after such time as the treasurership, with the prebend thereto annexed, founded in the cathedral church of *Llandaff*, shall next happen to be void, such treasurership and prebend being in the collation of the bishop of the said diocese of *Llandaff*; and within the said diocese of *Saint David's*, immediately from and after such time as the prebend of *Langamarch*, founded in the collegiate church of *Brecon*, now enjoyed by *John Medley* archdeacon of *Saint David's*, shall next happen to be void, the same being in the collation of the bishop of *Saint David's*, stand and be absolutely repealed, annulled, and void, and all and every, and any custom, and usage of and for paying, demanding, or taking any mortuary or corse present, or any goods, thing or things, for or in the name of a mortuary or corse present, upon the death of any clergyman within the said respective dioceses or jurisdictions, shall, from the respective times aforesaid, for ever, be absolutely abolished and void; and no mortuary or corse present, or sum or sums of money for or in lieu of the same, or in the name thereof, shall be yielded, paid, answered or satisfied, or be due or payable by any person or persons, to any bishop of either of the said dioceses, or other person or persons claiming by, from, or under any such bishop: and that from and after the respective times aforesaid, it shall not be lawful to or for the respective bishops of the said dioceses or any of them, their or any or either of their successors, farmers, bailiffs or lessees, or any of them, or any other person or persons whatsoever, claiming by or under such bishops, or any or either of them, to take, receive or demand of any person or persons, any manner of mortuary or corse present, or any sum or sums of money, or other thing, for or in the name, lieu or stead of any mortuary or corse present, or to convene, cite, sue or prosecute any person or persons before any judge spiritual, or in any of her majesty's courts of law, or other court whatsoever, for the recovery of, or for, touching or concerning any mortuary or corse present, or any thing in lieu thereof, for or by reason or on account of the death of any priest or clergyman within the said respective dioceses or jurisdictions, at any time after the respective times aforesaid; any thing in the said recited act, or any law, custom or usage whatever, to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, that in recompense and satisfaction to the bishop of *Saint Asaph* and his successors, for such mortuaries as might arise or become due or payable to the said bishop of *Saint Asaph*, or his successors, by virtue of the said recited act, upon the death of any priest or clergyman, the rectory *sine cura*, which shall first after the said four and twentieth day of *June* one thousand seven hundred and fourteen, happen to be void, and be in the collation of the bishop of the said diocese of *Saint Asaph*, or any of his successors, shall immediately upon such vacancy, and from thenceforth be annexed and united to the

said bishopric of *Saint Asaph* for ever, and all and every the profits, rights, dues, benefits and advantages whatsoever of the same rectory, or thereto in anywise belonging or appertaining, shall or may be had, received, taken and enjoyed by the bishop of the said diocese and his successors for ever.

III. And be it further enacted by the authority aforesaid, that in recompense and satisfaction to the bishop of *Bangor* and his successors, for such mortuaries as might arise or become due or payable to the said bishop of *Bangor* or his successors, by virtue of the said recited act, upon the death of any priest or clergyman, the rectory *sine cura*, which shall next happen to be void, and be in the collation of the bishop of the said diocese of *Bangor*, or any of his successors, shall, immediately upon such vacancy, and from thenceforth be annexed and united to the said bishopric of *Bangor* for ever; and all and every the profits, rights, dues, benefits and advantages whatsoever of the same rectory, or thereto in anywise belonging or appertaining, shall or may be had, received, taken and enjoyed by the bishop of the said diocese of *Bangor* and his successors for ever.

Recompense
to the bishop
of Bangor,
&c.

IV. Provided always, that nothing in this act shall extend to enable any bishop in either of the said dioceses of *Saint Asaph* and *Bangor*, to demise, let or set; and that it shall not be lawful to or for the bishops of either of the said dioceses, or any of their successors, to demise, lease, set, or let to farm, or otherwise, either of such rectories *sine cura*, annexed and united to the respective bishoprics of *Saint Asaph* and *Bangor*, as aforementioned, or any the rights, dues, benefits or profits thereof, for any longer time than such bishop, by whom any lease of either of the said rectories *sine cura* shall be made, shall continue bishop of the said diocese; any statute, law, or usage whatsoever to the contrary notwithstanding.

The bishops
of St. Asaph
and Bangor,
shall not
lease the rec-
tories united
to their
bishoprics
for any lon-
ger term
than they
continue
bishops.

V. And be it further enacted by the authority aforesaid, that in recompense and satisfaction to the bishop of *Llandaff* and his successors, for such mortuaries as might arise or become due or payable to the said bishop of *Llandaff*, or his successors, by virtue of the said recited act, upon the death of any priest or clergyman, whensoever the treasurership, with the prebend thereto annexed, founded in the cathedral church of *Llandaff*, shall next happen to be void, the said treasurership and prebend shall, immediately upon such vacancy, and from thenceforth be annexed and united to the said bishopric of *Llandaff* for ever; and all and every the profits, rights, dues, benefits and advantages whatsoever, of the said treasurership and prebend, or thereto in anywise belonging or appertaining, shall or may be had, received, taken and enjoyed by the bishop of the said diocese of *Llandaff* and his successors for ever.

Recompense
to the bishop
of Llandaff:

VI. And be it further enacted by the authority aforesaid, that in recompense and satisfaction to the bishop of *Saint David's* and his successors, for such mortuaries as might arise or become due or payable to the said bishop of *Saint David's*, or his successors, by virtue of the said recited act, upon the death of any priest or clergyman, whensoever the said prebend of *Langamarch* shall next happen to be void, the said prebend shall, immediately upon such vacancy, and from thenceforth be annexed and united to the said bishopric of *Saint David's* for ever; and all and every the profits, rights, dues,

To the bishop
of St. Davids.

benefits and advantages whatsoever, of the same prebend, or thereto in anywise belonging or appertaining, shall or may be had, received, taken and enjoyed by the bishop of the said diocese of *Saint David's* and his successors for ever, in as full and ample manner as the said *John Medley* now hath or enjoyeth, or might or ought to have and enjoy the same.

The queen's letters patents to the master of *Pembroke* college, and to the provost of *Oriel* college in *Oxon*, and to the warden of *Katherine* hall in *Cambridge*, confirmed.

VII. And whereas her majesty has been graciously pleased, by her letters patents under the great seal of *Great Britain*, bearing date at *Westminster* the eleventh day of *November* in the twelfth year of her reign, to incorporate *Collwell Brickhenden* doctor in divinity, the master of *Pembroke* college in the university of *Oxford*, and his successors, masters of the same college, by the name, style and title of master of *Pembroke* college in the university of *Oxford*; and did thereby grant to the said master and his successors, masters of the same college, for their better support and maintenance, that canonship or prebend in the cathedral church of the holy and undivided *Trinity* of *Gloucester*, which should first happen to be void, and in the gift of her majesty, her heirs and successors, from and after the date of the said grant; to have and to hold the said canonship or prebend, to the said *Collwell Brickhenden* master of the said college, and his successors, masters of the same college, of her majesty, her heirs and successors, in pure and perpetual alms, for and during his and their respective continuance in the said mastership; and did thereby likewise unite such canonship or prebend, as aforesaid, to the said corporation for ever: and whereas her majesty has been also graciously pleased, by other her letters patents under the great seal of *Great Britain*, bearing date at *Westminster* the fourteenth day of *January* in the twelfth year of her reign, to incorporate *George Carter* doctor in divinity, the provost of *Oriel* college in the university of *Oxford*, and his successors, provosts of the same college, by the name, style and title of provost of the house of the blessed virgin *Mary* in *Oxon*, commonly called *Oriel* college, of the foundation of *Edward* the second, some time king of *England*, of famous memory; and did thereby grant to the said provost, and his successors, provosts of the same college, for their better support and maintenance, that canonship or prebend in the cathedral church of *Christ*, and of the blessed virgin *Mary*, of *Rochester*, which should first happen to be void, and in the gift of her majesty, her heirs and successors, from and after the date of the said grant; saving always the right of the archdeacons of the said church for the time being, to one of the said canonships, by virtue of a former grant; to have and to hold the said canonship or prebend, to the said *George Carter*, provost of the said college, and his successors, provosts of the same college, of her majesty, her heirs and successors, in pure and perpetual alms, for and during his and their continuance in the said provostship; and did thereby likewise unite such canonship or prebend, as aforesaid, to the said corporation for ever: and whereas her majesty has been further graciously pleased, by other her letters patents under the great seal of *Great Britain*, bearing date at *Westminster* the six and twentieth day of *April* in the thirteenth year of her reign, to incorporate *Thomas Sherlock* doctor in divinity, master or warden of *Saint Katharine's* college or hall in the university of

Cambridge, and his successors, masters or wardens of the same college or hall, by the name, style and title of master or warden of *Saint Catharine's* college or hall in the university of *Cambridge*; and did thereby grant to the said master or warden, and his successors, masters or wardens of the same college or hall, for their better support and maintenance, that canonship or prebend in the cathedral church of the holy and undivided *Trinity* in *Norwich*, of the foundation of king *Edward* the sixth, which should first happen to be void, and in the gift of her majesty, her heirs and successors, from and after the date of the said grant; to have and to hold the said canonship or prebend to the said *Thomas Sherlock*, master or warden of the said college or hall, and his successors, masters or wardens of the same college or hall, of her majesty, her heirs and successors, in pure and perpetual alms for and during his and their continuance in the said mastership or wardenship; and did thereby likewise unite such canonship or prebend, as aforesaid, to the said corporation for ever; as by the said several and respective recited letters patents (relation being thereunto had) may more fully and at large appear: be it therefore enacted by the authority aforesaid, that the said several and respective recited letters patents, and all and singular the clauses, articles and things therein respectively contained, shall be and are hereby ratified and confirmed, and the said several and respective canonships or prebends shall be, from time to time, for ever, held and enjoyed, according to the true intent and meaning of the several and respective letters patents above recited.

VIII. And be it further enacted, that this act shall be taken and allowed in all courts within this kingdom as a public act. A public act.

IX. Saving nevertheless, and always reserved unto her majesty, her heirs and successors, all and singular first fruits and tenths, in anywise due or payable to her majesty, her heirs and successors, for or in respect of such rectories *sine cura*, and treasurership, and prebend thereunto annexed, founded in the cathedral church of *Llandaff*, and the said prebend of *Langamarch*, and all such right and title, as her said majesty hath in or to such first fruits and tenths, or any of them, and which shall continue to be levied and paid in like manner as heretofore; any thing herein contained to the contrary in anywise notwithstanding, Saving to the crown all first fruits, &c. for such rectories, &c.

X. Saving also to the queen's majesty, her heirs and successors, and to the respective lessee or lessees of the said treasurership, and prebend thereunto annexed, founded in the cathedral church of *Llandaff*, and to the said prebend of *Langamarch*, and to all and every other person or persons whatsoever, all such estate, right, title and interest, in, to or out of the said treasurership, and prebend thereto annexed, and the said prebend of *Langamarch*, as any such lessee or lessees, or other person or persons, have or might have or claim, in, to, or out of the said treasurership and prebend thereunto annexed, and the said prebend of *Langamarch*, if this act had not passed. Another saving to the lessees, &c.

28 GEORGE 2, CAP. 6.—*An act for taking away mortuaries in the archdeaconry of Chester, and giving a recompense therefore to the bishop of Chester as archdeacon of Chester, who holds and enjoys the said archdeaconry in right of his see.*—Whereas in and by an act of

21 H. 8, c. 6. parliament made and passed in the one and twentieth year of the reign of king *Henry* the eighth, intituled, *where mortuaries ought to be paid, for what persons, and how much, and in what case none is due*; it is among other things provided, that it should be lawful to the archdeacon of *Chester*, to take such mortuaries of the priests within his jurisdiction as thentofore had been accustomed: and whereas the bishops of the said diocese of *Chester*, as archdeacons of *Chester*, for the time being, have accordingly used to demand and take, and do continue to demand and take, mortuaries upon the death of every clergyman within the jurisdiction of the said archdeacon of *Chester*; and the said mortuaries consisting of several of the best goods of the deceased, do oftentimes amount to a very considerable part of his estate and effects, and the payment thereof doth very much lessen the small provision which ordinarily the clergy within the said archdeaconry are able to make for the support of their families, and tends greatly to the impoverishing the same: and whereas the bishops of *Chester* as archdeacons of *Chester* for the time being, are seized of the advowson, right of patronage, and presentation of, in and to the rectory of the parish church of *Waverton* alias *Wareton*, in the said diocese and archdeaconry of *Chester*, and the right reverend *Edmund* now lord bishop of *Chester*, at the instance and request, and upon the proposal of the greatest part of the clergy within the said archdeaconry, hath consented that all the mortuaries or corse presents due and payable upon the death of clergymen within the said archdeaconry, shall for the future cease and be abolished, so as that in lieu thereof, and as a compensation for the same, the said rectory or parsonage of *Waverton* alias *Wareton*, with the appurtenances thereof, shall be annexed to the said archdeaconry of *Chester*, and held and enjoyed by the said bishop as archdeacon of *Chester*, and his successors for ever, subject nevertheless to such stipend and provision for a minister or curate of the said parish and parish church of *Waverton* alias *Wareton*, and his successors, as is hereinafter mentioned; and as the carrying such proposal and request into execution and effect would contribute greatly to the satisfaction, encouragement, and benefit of the clergy within the said archdeaconry: therefore for the answering, obtaining, and accomplishing the good ends and purposes afore mentioned; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the aforesaid proviso or clause contained and inserted in the said act, and hereinbefore set forth or recited, and all and every clause or proviso contained and inserted in the same act, so far as the same do respectively relate to the taking of any mortuary or corse present upon the death of any clergyman within the said archdeaconry of *Chester*, shall immediately, from and after such time as the said church or living of *Waverton* alias *Wareton*, in the diocese and archdeaconry of *Chester*, shall become void by the death, resignation, cession, or deprivation of *John Prescott* clerk, the present incumbent, stand, and be absolutely repealed, annulled and void; and all and every custom or usage, customs or usages, of and for paying, demanding or taking any mortuary or corse present, or any

Upon the first vacancy or avoidance of the living of *Waverton* the payment of mortuaries in the archdeaconry of *Chester* to cease;

goods, chattels, effects or things, for or in the name of a mortuary or corse present, upon the death of any clergyman within the said archdeaconry of *Chester*, shall, from and after such first vacancy or avoidance of the said church or living of *Waverton* alias *Wareton*, be utterly void, and totally abolished for ever; and no mortuary or corse present, or sum or sums of money for or in lieu of, or in the name thereof, or in commutation for the same, shall be yielded, paid, answered or satisfied, or be due or payable by or from any person or persons to any bishop of the said diocese of *Chester*, either as diocesan or archdeacon of *Chester* for the time being, or to any person or persons authorized by or claiming under him, them, or any of them; and that from and after such vacancy or avoidance as aforesaid, it shall not be lawful to and for the archdeacon of *Chester* or his successors, farmers, bailiffs or lessees, or any of them, or any person or persons whatsoever claiming by or under such archdeacon or his successors, to take, receive or demand, of any person or persons whatsoever, any manner of mortuary or corse present, or any sum or sums of money, or other thing for or in lieu or name of, or in commutation for any mortuary or corse present, or to convene, cite, sue or prosecute any person or persons, before any judge spiritual, or in any of his majesty's courts of law, or other court whatsoever, for the recovery of, or for, touching or concerning any mortuary or corse present, or any thing in lieu thereof, for or by reason or on account of the death of any priest or clergyman within the said archdeaconry of *Chester*, at any time after such vacancy or avoidance as aforesaid; any thing in the said recited act, or any law, custom or usage whatsoever to the contrary notwithstanding.

and no compensation to be paid or demanded in lieu thereof.

II. And be it further enacted by the authority aforesaid, that as a recompense and compensation to the bishop of *Chester* as archdeacon of *Chester* for the time being, and his successors, for such mortuaries as are mentioned or intended to be extinguished and abolished by this act as aforesaid, all that the rectory or parsonage and church of *Waverton* alias *Wareton*, in the diocese and archdeaconry of *Chester*, with all the lands, tenements, tithes, tenths, oblations, obventions, hereditaments and appurtenances thereunto belonging or appertaining, or accepted, reputed, taken or known, as part, parcel, or member thereof, shall, from and immediately after such vacancy or avoidance of the said church or living, be vested in the bishop of *Chester* and his successors, and shall from thenceforth be appropriated, annexed, and united to the see and bishopric of *Chester* for ever; and all and every the rights, dues, profits, benefits and advantages whatsoever, of the said rectory, or in anywise incident, belonging or appertaining to the same, shall from thenceforth be had, received, taken and enjoyed, by the said bishop of *Chester* and his successors for ever.

Upon the extinction of mortuaries, the rectory of *Waverton* to be annexed to the see of *Chester*.

III. Provided always, and it is hereby further enacted by the authority aforesaid, that upon the first vacancy or avoidance of the said church or living of *Waverton* alias *Wareton*, which shall happen next after the passing of this act, it shall and may be lawful to and for the bishop of *Chester* for the time being, and he and his successors in the said see of *Chester* are hereby authorized and required to nominate and appoint a curate or minister, duly qualified according

Bishop to nominate a curate to hold the said living,

to law to hold a living with cure of souls, to be curate, minister, or incumbent of the said parish and parish church of *Waverton* alias *Wareton*, and who shall reside in the said parish, and officiate and perform divine service and offices in the said church, according to the usage of the church of *England* as by law established, and have and enjoy such yearly stipend as is hereinafter mentioned; and also that it shall and may be lawful for the bishop of *Chester* for the time being, upon every subsequent vacancy or avoidance of the said curacy or living, for ever, to nominate and appoint a person duly qualified as aforesaid, to be curate or minister of the said church or living.

with a yearly
salary of £60.

IV. And it is hereby further enacted, that one yearly stipend or yearly sum of sixty pounds, of lawful money of *Great Britain*, free from all reprints and deductions whatsoever, shall, from and after such first vacancy or avoidance of the said church or living of *Waverton* alias *Wareton*, and such nomination or appointment of a minister, curate, or incumbent, to officiate therein as aforesaid, be vested in and settled upon such minister, curate, or incumbent, and his successors, ministers, or curates, of the said parish and parish church of *Waverton* alias *Wareton*, for ever, and shall be from thenceforth charged upon and issuing and payable out of the said rectory or parsonage of *Waverton* alias *Wareton*, hereby vested in the said bishop and his successors as aforesaid, and the fruits, profits, and income thereof, by quarterly payments on the feasts of the annunciation of the blessed virgin *Mary*, the nativity of *Saint John Baptist*, *Saint Michael* the archangel, and the birth of our Lord Christ, by equal portions; the first payment thereof to begin and be made at or on such of the feasts or days as shall first happen after the nomination or appointment of such minister, curate or incumbent, as aforesaid; and that every such minister, curate or incumbent, for the time being, shall have such and the like powers and remedies for recovering and receiving the said yearly stipend of sixty pounds, and all arrears thereof, as by an act of parliament made in the twenty-ninth year of the late king *Charles* the second, intituled, *an act for confirming and perpetuating augmentations made by ecclesiastical persons to small vicarages and curacies*, are given to any vicar or curate for recovering the augmentations thereby vested in, secured to or provided for him and them respectively.

to be paid
quarterly.

and recover-
able as 29
Car. 2, c. 8,
directs.

First fruits
and tenths
reserved to
the crown.

V. Provided always, that nothing herein contained shall prejudice or affect the right, title or interest of his majesty, his heirs or successors, of, in or to the first fruits and tenths now or heretofore due or payable to his majesty, his heirs and successors, for or in respect of the said rectory and church of *Waverton* alias *Wareton*, but that such first fruits and tenths shall continue to be levied and paid in like manner, as the same are and were before the passing of this act; any thing herein contained to the contrary in anywise notwithstanding.

Reservation
of other
rights in the
said parish.

VI. Saving also to the king's majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, his, her and their heirs, successors, executors and administrators, other than the said bishop of *Chester* and his successors, as well in and to the said bishopric and see, as in and to the archdeaconry of *Chester* respectively, all such estate, right, title and

interest of, in, to or out of the said rectory and church of *Waverton* alias *Wareton* aforesaid, as they, every or any of them had, before the passing of this act, or could or might have had and enjoyed in case this act had not been made.

VII. And it is hereby enacted and declared, that this act shall be taken and deemed to be a public act, in all courts whatsoever.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

NON CONFORMISTS.

13 & 14 Car.
2, c. 4.

17 CHARLES 2, CAP. 2.—*An act for restraining non conformists from inhabiting in corporations.*—Whereas divers parsons, vicars, curates, lecturers and other persons in holy orders, have not declared their unfeigned assent and consent to the use of all things contained and prescribed in the book of common prayer, and administration of the sacraments and other rites and ceremonies of the church, according to the use of the church of *England*, or have not subscribed the declaration or acknowledgment contained in a certain act of parliament made in the fourteenth year of his majesty's reign and intituled, *an act for the uniformity of public prayers and administration of sacraments and other rites and ceremonies, and for the establishing the form of making, ordaining and consecrating of bishops, priests and deacons in the church of England*, according to the said act or any other subsequent act. And whereas they or some of them, and divers other person and persons not ordained according to the form of the church of *England*, and as have since the act of oblivion taken upon them to preach in unlawful assemblies, conventicles or meetings, under colour or pretence of exercise of religion, contrary to the laws and statutes of this kingdom, have settled themselves in divers corporations in *England*, sometimes three or more of them in a place, thereby taking an opportunity to distil the poisonous principles of schism and rebellion into the hearts of his majesty's subjects, to the great danger of the church and kingdom.

Persons
restrained
from inha-
biting in cor-
porations.

II. Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the said parsons, vicars, curates, lecturers and other persons in holy orders, or pretended holy orders, or pretending to holy orders and all stipendaries and other persons who have been possessed of any ecclesiastical or spiritual promotion, and every of them, who have not declared their unfeigned assent and consent as aforesaid, and subscribed the declaration aforesaid, and shall not take and subscribe the oath following:

The oath.
Rep. 5 Geo. 1,
c. 6.

I *A. B.* do swear, that it is not lawful upon any pretence whatsoever, to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commissions; and that I will not at any time endeavour any alteration of government, either in church or state.

III. And all such person and persons as shall take upon them to preach in any unlawful assembly, conventicle or meeting, under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom; shall not at any time from and after the four and twentieth day of *March* which shall be in this present year of our Lord God one thousand six hundred sixty and five, unless only in passing upon the road, come or be within five miles of any city or town corporate, or borough that sends burgesses to the parliament, within his majesty's kingdom of *England*, principality of

Wales or of the town of *Berwick-upon-Tweed*; or within five miles of any parish, town or place, wherein he or they have since the act of oblivion been parson, vicar, curate, stipendary or lecturer, or taken upon them to preach in any unlawful assembly, conventicle or meeting, under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom; before he or they have taken and subscribed the oath aforesaid, before the justices of the peace at their quarter sessions to be holden for the county, riding or division next unto the said corporation, city or borough, parish, place or town, in open court, (which said oath the said justices are hereby empowered there to administer); upon forfeiture for every such offence the sum of forty pounds of lawful *English* money; the one third part thereof to his majesty and his successors; the other third part to the use of the poor of the parish where the offence shall be committed; and the other third part thereof to such person or persons as shall or will sue for the same by action of debt, plaint, bill or information, in any court of record at *Westminster*, or before any justices of assize, *Oyer* and *Terminer* or gaol delivery, or before any justices of the counties palatine of *Chester*, *Lancaster* or *Durham*, or the justices of the great sessions in *Wales*, or before any justices of peace in their quarter sessions, wherein no essoin, protection or wager of law shall be allowed.

1 Vent. 63.
328.Altered by
1 W. & M.
ses. 1, c. 18,
sec. 8.

The penalty.

IV. Provided always, and be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons restrained from coming to any city, town corporate, borough, parish, town, or place, as aforesaid, or for any other person or persons as shall not first take and subscribe the said oath, and as shall not frequent divine service established by the laws of this kingdom, and carry him or herself reverently, decently and orderly there, to teach any public or private school, or take any boarders or tablers that are taught or instructed by him or herself, or any other; upon pain for every such offence to forfeit the sum of forty pounds, to be recovered and distributed, as aforesaid.

2 & 3 Ed. 6,
c. 1.
5 & 6 Ed. 6,
c. 1.
1 Eliz. c. 2.
13 & 14 Car
2, c. 4.

V. Provided also, and be it further enacted by the authority aforesaid, that it shall be lawful for any two justices of the peace of the respective county, upon oath to them of any offence against this act, which oath they are hereby empowered to administer, to commit the offender for six months without bail or mainprize, unless upon or before such commitment, he shall before the said justices of the peace, swear and subscribe the aforesaid oath and declaration.

Further pro-
visions relat-
ing hereto,
1 W. & M.
st. 1, c. 18,
and 23 G. 2,
c. 28.

VI. Provided always, that if any person intended to be restrained by virtue of this act, shall without fraud or covin be served with any writ, subpœna, warrant, or other process, whereby his personal appearance is required, his obedience to such writ, subpœna or process, shall not be construed an offence against this act.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

NUNS.

Taking away
of a nun.
This clause
is obsolete
by the 31 H.
8. c. 13. for
the dissolu-
tion of mo-
nasteries.

13 EDWARD 1, STAT. 1, CAP. 34.—*It is felony to commit rape. A married woman elopeth with an advouterer. The penalty for carrying a nun from her house.*— He that carrieth a nun from her house, although she consent, shall be punished by three years' imprisonment, and shall make convenient satisfaction to the house from whence she was taken, and nevertheless shall make fine at the king's will.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION.

1 ELIZABETH, CAP. 1, SECS. 19—23.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—“APPEALS TO THE SEE OF ROME,” vol. i. p. 148.

3 JAMES 1 CAP. 4, SEC. 15.—*An act for the better discovering and repressing of popish recusants.*—See Title—“PAPISTS.”

7 JAMES 1, CAP. 2.—*An act that all such as are to be naturalized, or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy.*—Forasmuch as the naturalizing of strangers, and restoring to blood persons attainted, have been ever reputed matters of mere grace and favour, which are not fit to be bestowed upon any others than such as are of the religion now established in this realm; be it therefore enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, that no person or persons of what quality, condition or place soever, being of the age of eighteen years or above, shall be naturalized or restored in blood, unless the said person or persons have received the sacrament of the Lord's supper within one month next before any bill exhibited for that purpose, and also shall take the oath of supremacy, and the oath of allegiance, in the parliament house, before his or her bill be twice read: and for the better effecting of the premises, be it further enacted by the authority aforesaid, that the lord chancellor of *England*, or lord keeper of the great seal for the time being, if the bill begin in the upper house, and the speaker of the commons house of parliament for the time being, if the bill begin there, shall have authority at all times during the session of parliament, to minister such oath and oaths, and to such person and persons, as by the true intent of this statute is to be ministered. This act to take place from and after the end of this present session of parliament.

What they shall be bound unto who shall be naturalized or restored in blood.

When this act shall take place.

Further provisions relating hereto, 11 & 12 W. 3, c. 6. 7 Anne, c. 5. 1 Geo. 1, c. 21. 13 Geo. 2, c. 7. 20 Geo. 2, c. 44. 22 Geo. 2, c. 45, and 25 Geo. 2, c. 39. 4, 4 Geo. 2,

7 JAMES 1, CAP. 6.—*An act for administering the oath of allegiance, and reformation of married women recusants.*—Whereas by a statute made in the third year of your majesty's reign, intituled, *an act for the better discovering and repressing of popish recusants*, the form of an oath to be ministered and given to certain persons in the same act mentioned is limited and prescribed, tending only to the declaration of such duty as every true and well affected subject, not only by bond of allegiance, but also by the commandment of Almighty God, ought to bear to your majesty, your heirs and successors: which oath such as are infected with popish superstition do oppugn with many false and unsound arguments, the just defence whereof your majesty hath heretofore undertaken and worthily performed, to the great contentment of all your loving subjects, notwithstanding the gainsayings of contentious adversaries.

3 Jac. 1, c. 4. Who shall take the oath of obedience to the king, and by whom it shall be ministered, and within what time. 1 Bulstr. 199. 1 Haw. P. C. c. 12.

Every person above the age of eighteen years herein intended shall take the oath of obedience.

Before whom each person shall take the oath.
3 Jac. 1, c. 4.

Archbishops and bishops, ecclesiastical judges and officers.

A baron or baroness, or above that degree, privy counsellors and presidents.

The sworn servants of the king, the queen, prince, &c.

Judges, ministers of justice and they who receive the king's fee.

II. And to shew how greatly your loyal subjects do approve the said oath; they prostrate themselves at your majesty's feet, beseeching your majesty that the same oath may be administered to all your subjects: to which end we with all humbleness beseech your highness that it may be enacted, and be it enacted, by the authority of this present parliament, that all and every person and persons, as well ecclesiastical as temporal, of what estate, dignity, preeminence, sex, quality or degree soever he, she or they be, or shall be, above the age of eighteen years, being hereafter in this act mentioned and intended, shall make, take and receive a corporal oath upon the evangelists, according to the tenor and effect of the said oath set forth in the said forementioned statute, before such person or persons as hereafter in this act is expressed: that is to say, all and every archbishop and bishop that now is or hereafter shall be, before the lord chancellor or lord keeper of the great seal for the time being.

III. And all and every ecclesiastical judge, officer and minister, of what estate, dignity, preeminence or degree soever he or they be or shall be, before the archbishop of the province, or bishop, or other ordinary of the diocese for the time being, wherein such ecclesiastical judge, officer or minister ought to exercise his said office, place or function.

IV. And all and every person and persons of or above the degree of a baron of parliament, or baroness of this your highness' realm of *England*, and all of your highness' privy council residing in *London* or *Westminster*, or within thirty miles thereof, and the presidents of *Wales* and the north parts, before any four of your highness' privy council, whereof the lord chancellor, lord treasurer, lord privy seal or principal secretary for the time being, to be one: and if such person or persons live and reside in the country, distant above thirty miles from *London*, then before the lord bishop of the diocese, or such other person or persons as the lord chancellor or lord keeper of the great seal for the time being shall thereto by writ of *dedimus potestatem* authorize.

V. And all and every the sworn servants, ordinary and extraordinary, of your highness, the queen's grace, or of the household of the prince of *Wales*, and of the rest of your highness' children, before the lord steward, the lord chamberlains and vice chamberlains to your highness and the queen, the treasurer and comptroller of your highness' household, the master of your highness' horse, the dean of the chapel, and the knight marshal for the time being, the officers of the green cloth, or any three of them.

VI. All and every temporal judge, justices of peace, sheriffs, escheators, feodaries, and other officers and ministers of justice in this present act not specially mentioned, and every other person or persons that doth or shall receive any fee of your highness, your heirs and successors, before the lord chancellor or lord keeper of the great seal, lord treasurer, lord admiral, lord warden of the five ports, for the time being, or one of them, or before one of the chief justices of either of your majesty's bench, or of the common pleas, or before the justices of assize of the same county where the parties reside, or other such persons as the lord chancellor or keeper of the said great seal shall thereunto authorize.

VII. And all mayors, bailiffs or other chief officers of cities and towns corporate, by what name soever they be called or known, before such person or persons as usually administer the oath to them at their first entrance into their said offices.

Chief officers of cities and towns corporate.

VIII. And all and every the knights, citizens, burgesses and barons of the five ports of the commons house of parliament, at any parliament or session of parliament hereafter to be assembled, before he or they shall be permitted to enter into the said house, before the lord steward for the time being, or his deputy or deputies: and the master of the ordnance, lieutenant of the tower of *London*, and mint master there, the four principal officers of your navy under the lord admiral, before the lord chancellor or lord keeper of the great seal, and the lord admiral for the time being, or any of them.

Knights, citizens, burgesses and barons of the parliament.

The master of the ordnance, lieutenant of the tower, &c.

IX. And all the officers, ministers, servants and others, within your said tower of *London*, before the lieutenant of the tower.

Officers and servants in the tower.

X. And all the vice admirals, captains, masters, officers, ministers and soldiers in your highness' ships, or any of them, before the said four principal officers of your navy, or any two of them.

Officers and soldiers in ships.

XI. And all persons having charge of castles, fortresses, block houses or garrisons, and all captains who shall have charge of soldiers, within this your highness' realm, before the justices of assize of the same county, or before two justices of the peace of the same county, city or liberty, where the same castles, fortresses or block houses shall stand, or the charge of soldiers shall be.

Captains of castles, soldiers.

XII. All doctors, advocates and proctors of the civil law, and their clerks, before the bishop of the diocese where they shall for the most part dwell or reside.

Doctors, advocates and proctors of the civil law.

XIII. And all and every person or persons temporal that hereafter shall sue livery or *ouster le main* out of the hands of your highness, your heirs and successors, before his or their *ouster le main* sued forth and allowed, before the master of the wards and liveries, or before the surveyor and attorney of your highness' said court, in open court.

Suers of livery.

XIV. All the sergeants at law, servants to the judges in your highness' courts at *Westminster*, and all other in the serjeants' inns before the chief justice of your majesty's bench, the chief justice of the common pleas, and the chief baron of your exchequer, or some or one of them.

Serjeants at the law, and the judges servants.

XV. All your highness' subjects in the inns of court, or that hereafter shall be admitted thereunto, and the principals and treasurers of every inn of chancery, before the readers and benchers of the several houses whereto they belong, or four of them at the least, in their open halls.

Gentlemen of the inns of court, and principals of the inns of chancery.

XVI. All other your majesty's subjects, as well ancients as others, not being principal or treasurer, that now are or hereafter shall be admitted into any inn of chancery, before the principal or treasurer, and ancients of the several inns of chancery, or four of them, in their open hall.

All of the inns of chancery.

XVII. All prothonotaries, philizers, officers, ministers, attornies and clerks, that now are or hereafter shall be admitted to write or practise in any of your highness' courts at *Westminster*, or in any other court of record, before the judge or judges of the same court.

Prothonotaries, officers, attornies, clerks, &c.

Clerks and
officers of the
chancery.

XVIII. All clerks of the chancery, and all their under clerks, and all other officers of the said court of chancery, and their clerks, before the master of the rolls for the time being, or before two of the masters of the said court of chancery.

Parsons, vicars, curates, &c.
Schoolmaster
Usher.

XIX. And all parsons, vicars and curates, and all other persons ecclesiastical taking orders, and all and every school master and usher, before the bishop of the diocese, or other ordinary in the same, sitting in open court.

The vice
chancellors
in the uni-
versities, and
principals of
colleges or
halls.

XX. The vice chancellors of both the universities for the time being, and the presidents, wardens, provosts, masters of colleges and halls, and all other heads and principals of houses, proctors, and beadles of the universities, publicly in the convocation, before the senior masters there present.

Persons pro-
moted to
degree in
school.

XXI. And all and every other persons whatsoever, that is or shall be promoted to any degree in school, before the vice chancellor of the said university for the time being, in the congregation house.

Fellows and
scholars in
colleges.

XXII. All fellows of houses, and all scholars of halls or colleges, that now are or hereafter shall be received into the same, being under the degree of a baron, before the president, master, provost, warden, or other head or chief governor of that college, hall or house, whereunto he shall be received, and in the open hall.

Doctors and
practisers of
physic.

XXIII. And all doctors of physic, and all other who practise physic, that now are or hereafter shall be admitted into the college of physicians in *London*, before the president of the same college for the time being.

Aldermen,
sheriffs, and
freemen of
cities and
towns corpo-
rate.

XXIV. And all aldermen, sheriffs and under officers whatsoever, of the cities and towns corporate, and all such as hereafter shall be made freemen of the said city or town corporate, before the mayor, bailiffs, or other chief officer of the said city or town, in the open hall.

When the
persons
aforesaid
shall take
the said oath

XXV. And to the intent that due execution may be had of the premises without delay, it is further enacted by the authority aforesaid, that all the persons before named, who have any certain time limited or expressed when to take the aforesaid oath, shall at the time therein prescribed take the same, and the rest within six months next after the end of this present session of parliament.

Who may
tender the
said oath,
and to whom.

XXVI. And be it further enacted by authority of this present parliament, that it shall and may be lawful to and for any one of the privy council of your highness, or of your heirs and successors, and to and for every bishop in his diocese, to require any baron or baroness of the age of eighteen years or above, to take the said oath; and to and for any two justices of peace within any county, city or town corporate, whereof one to be of the *quorum*, to require any person or persons of the age of eighteen years or above, under the degree of a baron or baroness, to take the said oath: and if any person or persons of or above the said age and degree, now stand or hereafter at any time shall stand and be presented, indicted or convicted for not coming to church or not receiving the holy communion or sacrament of the lord's supper, according to the laws and statutes of this realm, before the ordinary, or other having lawful power to take such presentment or indictment, then three of the privy council of your highness, your heirs and successors, whereof the lord chan-

cellor, lord treasurer, lord privy seal or principal secretary to be one, upon knowledge thereof, shall require such person or persons to take the said oath: and if any other person or persons whatsoever, of and above the said age, and under the said degree, now stand or at any time hereafter shall stand, and be presented, indicted or convicted for not coming to church or receiving the holy communion or sacrament of the Lord's supper, according to the laws and statutes of this realm, before the ordinary or any other having lawful power to take such presentment or indictment; or if the minister, petty constable and churchwardens, or any two of them, shall at any time hereafter complain to any justice of peace, near adjoining to the place where any person complained of shall dwell, and the said justice shall find cause of suspicion; that then any one justice of peace, within whose commission or power such person or persons shall at any time hereafter be, or to whom complaint shall be made as aforesaid, shall upon notice thereof require such person or persons to take the said oath: and that if any person or persons, being of the age of eighteen years or above, shall refuse to take the said oath, duly tendered to him or her, according to the true intent and meaning of this statute, that then the persons authorized by this law to give the said oath, shall and may commit the same offender to the common gaol, there to remain without bail or mainprize, until the next assizes or general quarter sessions to be holden for the said shire, division, limit or liberty; where the said oath shall be again in the said open sessions required of such person by the said justices of assize or justices of the peace then and there present, or the greater number of them: and if the said person or persons, of the age of eighteen years or above, shall refuse to take the said oath, being tendered to him or her by the said justices of assize and gaol delivery, in their open assizes or gaol delivery, or the justices of peace or the greater part of them in their general or quarter sessions, every person so refusing shall incur the danger and penalty of *premunire*, mentioned in a statute made in the sixteenth year of the reign of king *Richard* the second, (except women covert, who shall be committed only to prison, there to remain without bail or mainprize till they will take the said oath.)

The penalty for refusing to take the said oath.

12 Co. 132.
16 R. 2, c. 5.
1 Roll 91.

XXVII. And be it further enacted, that every person refusing to take the said oath as above, shall be disabled to all intents and purposes, to execute any public place of judicature, or bear any other office (being no office of inheritance or ministerial function) within this your highness' realm of *England*: or to use or practice the common law or civil law, or the science of physic or surgery, or the art of an apothecary, or any liberal science, for his or their gain, within this realm, until such time as the same person shall receive the same oath, according to the intent of this statute.

Disabled to execute or practise certain offices or sciences.

XXVIII. And be it further enacted, that if any married woman (being lawfully convicted as a popish recusant for not coming to church) shall not within three months next after such conviction conform herself, and repair to the church and receive the sacrament of the Lord's supper, according to the former laws and statutes made and provided in that behalf touching recusants; that then she shall be committed to prison by one of the privy council of your highness,

The penalty of a married woman recusant that shall not come to the church and receive the sacrament.

See further,
25 Car. 2, c. 2,
and 16 Geo. 2,
c. 30.

your heirs or successors, or by the bishop of the diocese, if she be a baroness, or if she be under that degree, by two justices of the peace of the same county, whereof one to be of the *quorum*, there to remain without bail or mainprize until she shall conform herself and come to church, and receive the sacrament of the Lord's supper, unless the husband of such wife shall pay to the king's majesty, his heirs or successors, for the offence of his said wife, for every month ten pounds of lawful money of *England*, or else the third part (in three parts to be divided) of all his land and tenements, at the choice of the husband whose wife is so convicted as aforesaid, for and during so long time as she remaining a recusant convicted, shall continue out of prison, during which time (and no longer) she may be at liberty.

17 CHARLES 2, CAP. 2.—*An act for restraining non conformists from inhabiting in corporations.*—See Title—"NON CONFORMISTS," vol. iii. p. 416.

1 WILLIAM & MARY, SESS. 1, CAP. 1.—*An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament.*—For preventing all doubts and scruples which may in anywise arise concerning the meeting, sitting, and proceeding of this present parliament; be it declared and enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons now assembled, and by authority of the same:

The conven-
tion declared
a parliament

II. That the lords spiritual and temporal, and commons, convened at *Westminster*, the two and twentieth day of *January* in the year of our Lord one thousand six hundred eighty-eight, and there sitting on the thirteenth day of *February* following, are the two houses of parliament, and so shall be, and are hereby declared, enacted, and adjudged to be, to all intents, constructions, and purposes whatsoever, notwithstanding any want of writ or writs of summons, or any other defect of form or default whatsoever, as if they had been summoned according to the usual form: and that this present act, and all other acts, to which the royal assent shall at any time be given before the next prorogation after the said thirteenth of *February*, shall be understood, taken, and adjudged in law, to begin and commence upon the said thirteenth of *February*, on which day their said majesties, at the request, and by the advice of the lords and commons, did accept the crown and royal dignity of king and queen of *England*, *France*, and *Ireland*, and the dominions and territories thereunto belonging.

The old oaths
of allegiance,
&c. not to be
taken by
members,
30 Car. 2, st.
2, c. 1.

III. And be it further enacted by the authority aforesaid, that the act made in the thirtieth year of king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling of papists from sitting in either house of parliament*, and all other acts of parliament, as to so much of the said act or acts only, as concerns the taking the oaths of supremacy and allegiance, or either of them, in the said act or acts respectively mentioned, by any member or members of either house of parliament, with relation to their sitting and voting in parliament, shall be, and are hereby repealed to all intents and purposes; any thing in the said recited act or acts to the contrary notwithstanding.

IV. And be it further enacted, that the taking the oaths herein-
 after mentioned, and the making, subscribing, and repeating the
 declaration in the said act of the thirtieth year of king *Charles* the
 second mentioned, by every member of either house of this present
 parliament, from and after the first day of *March* next ensuing, in
 such manner as the taking the said oaths of allegiance and supre-
 macy, and the making, subscribing, and repeating the said declaration
 in the said last mentioned act are required, shall be good and effec-
 tual to all intents and purposes, as if the said oaths of allegiance and
 supremacy had been taken, and the said declaration had been made,
 subscribed, and repeated in such manner, and at such time, as by the
 said act or acts, or any of them, they are required. And that, in all
 future parliaments, the oaths hereinafter mentioned, and the decla-
 ration in the said act, made in the thirtieth year of king *Charles* the
 second mentioned, shall be taken, made, subscribed, and repeated by
 every member of either house of parliament, within the time, and in
 the same manner and form, and under the penalties and disabilities,
 as the said oaths of allegiance and supremacy, and the said declara-
 tion, by the said act of the thirtieth year of king *Charles* the second
 are limited, ordained, and appointed to be taken, made, subscribed,
 and repeated, and not at any other time, or in any other manner, to
 enable them to sit and vote in parliament; any thing in the said act
 or acts, or any of them, to the contrary notwithstanding.

New oaths
substituted
in the place
of the old.

V. And it is hereby further enacted and declared by the authority
 aforesaid, that the oaths above appointed by this act, to be taken in
 the stead and place of the oaths of allegiance and supremacy, shall
 be in the words following, and no other.

The oaths.

VI. **I** *A. B.* do sincerely promise and swear, that I will be faithful,
 and bear true allegiance to their majesties king *William* and
 queen *Mary*: *So help me God.*

Allegiance.

VII. **I** *A. B.* do swear, that I do from my heart abhor, detest, and
 abjure, as impious and heretical, that damnable doctrine and
 position, *that princes excommunicated or deprived by the pope, or any
 authority of the see of Rome, may be deposed or murdered by their sub-
 jects, or any other whatsoever.* And I do declare, that no foreign prince,
 person, prelate, state, or potentate hath, or ought to have, any power,
 jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or
 spiritual, within this realm: *So help me God.*

Supremacy.

VIII. Provided always, and be it declared, that this present par-
 liament may be dissolved after the usual manner, as if the same had
 been summoned and called by writ.

Parliament
dissolved as
formerly.

1 WILLIAM & MARY, SESS. 1, CAP. 6.—*An act for establishing
 the coronation oath.*—Whereas by the law and ancient usage of this
 realm, the kings and queens thereof have taken a solemn oath upon
 the evangelists at their respective coronations, to maintain the stat-
 utes, laws, and customs of the said realm, and all the people and
 inhabitants thereof, in their spiritual and civil rights and properties:
 but forasmuch as the oath itself on such occasion administered, hath
 heretofore been framed in doubtful words and expressions, with
 relation to ancient laws and constitutions at this time unknown:
 to the end therefore that one uniform oath may be in all times
 to come taken by the kings and queens of this realm, and to them

respectively administered at the times of their and every of their coronation: may it please your majesties that it may be enacted:

An oath to
be taken by
the king and
queen.

II. And be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the oath herein mentioned, and hereafter expressed, shall and may be administered to their most excellent majesties king *William* and queen *Mary* (whom God long preserve) at the time of their coronation, in the presence of all persons that shall be then and there present at the solemnizing thereof, by the archbishop of *Canterbury*, or the archbishop of *York*, or either of them, or any other bishop of this realm, whom the king's majesty shall thereunto appoint, and who shall be hereby thereunto respectively authorized; which oath followeth, and shall be administered in this manner; that is to say,

The archbishop or bishop shall say,

Coronation
oath.

III. Will you solemnly promise and swear to govern the people of this kingdom of *England*, and the dominions thereto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same?

The king and queen shall say,

I solemnly promise so to do.

Archbishop or bishop.

Will you to your power cause law and justice in mercy to be executed in all your judgments?

King and queen.

I will.

Archbishop or bishop.

Will you to the utmost of your power maintain the laws of God, the true profession of the gospel and the protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?

King and queen.

All this I promise to do.

After this, the king and queen laying his and her hand upon the holy gospels, shall say,

King and queen.

The things which I have here before promised, I will perform and keep. *So help me God.*

Then the king and queen shall kiss the book.

All kings,
&c. to take
the oath.

IV. And be it further enacted, that the said oath shall be in like manner administered to every king or queen, who shall succeed to the imperial crown of this realm, at their respective coronations, by one of the archbishops or bishops of this realm of *England*, for the time being, to be thereunto appointed by such king or queen respectively, and in the presence of all persons that shall be attending, assisting, or otherwise present at such their respective coronations; any law, statute, or usage to the contrary notwithstanding.

1 WILLIAM & MARY, SESS. 1, CAP. 8.—*An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.*—

Whereas by a statute made in the first year of the reign of our late sovereign lady queen *Elizabeth*, intituled *an act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, the persons therein mentioned were obliged to take an oath therein mentioned, commonly called the *oath of supremacy*; and whereas by another statute made in the third year of the reign of our late sovereign lord king *James the first*, intituled, *an act for the better discovering and repressing popish recusants*, another oath, commonly called the *oath of allegiance or obedience*; was required to be taken by the persons therein mentioned:

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that from henceforth no person whatsoever shall be obliged to take the said oaths, or either of them, by force or virtue of the said statutes, or either of them, or any other statute whatsoever, but that the said statutes, and every other statute, for so much only as concerns the said oaths, and the said oaths themselves, shall be and are hereby repealed, utterly abrogated, and made void.

III. And be it further enacted by the authority aforesaid, that the oaths appointed by this present act to be taken, and the declaration likewise appointed by this present act to be made, repeated, and subscribed, shall, from and after the first day of *May* in the year one thousand six hundred eighty-nine, be taken, made, repeated, and subscribed by every such person and persons as were appointed and required by any act or acts whatsoever, to take the said abrogated oaths of supremacy and allegiance, or either of them, before such person or persons, as hereafter in this act is expressed; that is to say, all and every archbishop and bishop that now is, and all and every person, of or above the degree of a baron of parliament, in their majesties' high court of chancery, or in their majesties' court of king's bench, in public and open court, between the hours of nine of the clock and twelve in the forenoon, before the end of *Trinity* term next, or at the general quarter sessions to be holden for that county or place where he or they shall be, inhabit, or reside, in open court, between the said hours of nine and twelve of the clock in the forenoon, before the first day of *August* next; all which shall be put on record in the respective courts.

IV. And all and every other such person and persons shall take the said oaths, and make, repeat, and subscribe the said declaration by this present act required to be taken, made, and subscribed, before such person or persons respectively, as by any act or acts were authorized or empowered to tender the said oath of allegiance now abrogated and made void; which said person or persons so respectively authorized to minister or tender the said oaths and declaration, are hereby required to minister and tender the same accordingly.

V. And be it further enacted by the authority aforesaid, that all persons (other than such concerning whom other provision shall be made in this act, or in any other act of this present session of parliament) that shall hereafter be admitted into any office or employment ecclesiastical or civil, or come into any capacity, in respect or by

1 Eliz. c. 1.

3 Jac. 1, c. 4.

The old oaths of allegiance and supremacy abrogated.

1 Hale's P. C. 62.

The new oaths and declaration by whom and how to be taken.

Before whom the new oaths are to be taken, and declaration to be made and subscribed.

All persons which shall be in office, shall take the oaths, &c.

The penalty
for neglect.

Persons now
in office neg-
lecting, the
office to be
void.

Ecclesiasti-
cal persons
now in bene-
fice, &c. neg-
lecting, to be
suspended,
&c.

Persons who
are now mas-
ters of col-
leges, &c.
neglecting,
how punish-
ed.

reason whereof they should have been obliged by any statute to take the said abrogated oaths, or either of them, shall take the oaths hereby appointed, in such manner, at such times, before such persons, and in such courts and places, as they should or ought to have taken the said former oaths, or either of them, in case the same had not been abrogated, as aforesaid. And that every such person, who shall neglect or refuse to take the same, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as by any such statute was appointed, for or upon neglect, or refusal to take the said former oaths hereby abrogated, or either of them.

VI. And be it further enacted, that if any person now having any office or employment, civil or military, shall neglect or refuse to take the said oaths hereby appointed to be taken, in such manner as by this act is directed, before the first day of *August* in the year one thousand six hundred eighty-nine, or sooner if required thereunto by any order from his majesty in council, before such persons as by the said order shall be appointed to take and receive the same, that in every such case the said office and employment of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

VII. And be it further enacted by the authority aforesaid, that if any archbishop or bishop, or any other person now having any ecclesiastical dignity, benefice, or promotion, shall neglect or refuse to take the oaths by this act appointed to be taken, in such manner as by this act is directed, before the first day of *August* in the year one thousand six hundred eighty-nine, every such person and persons so neglecting or refusing, shall be, and is, and are hereby declared and adjudged to be, suspended from the execution of his or their office by the space of six months, to be accounted from the said first day of *August*: and if the said person or persons (so having neglected or refused) shall not within the said space of six months take the said oaths in such manner, court, or place, as they ought to have taken the same, before the said first day of *August*; then he or they shall be *ipso facto* deprived, and is, and are hereby adjudged to be deprived of his and their offices, benefices, dignities, and promotions ecclesiastical.

VIII. And be it further enacted, that if any person or persons now being master, governor, head, or fellow of any college or hall, in either of the two universities, or of any other college, or master of any hospital or school, or professor of divinity, law, physic, or other science in either of the said universities, or in the city of *London*, shall neglect or refuse to take the oaths by this act appointed to be taken, in such manner, and before such persons as by this act is directed, before the first day of *August* in the year one thousand six hundred eighty-nine; every such person and persons so neglecting or refusing, shall be, and is and are hereby declared and adjudged to be, suspended from the execution of his or their office and employment, and from his or their mastership, government, fellowship, and professorship respectively, for the space of six months, to be accounted from the said first day of *August*: and if the said person or persons (so having neglected or refused) shall not within the said space of six months take the said oaths in such court or place, and before such persons, and in such manner, as they ought to have taken the

same before the said first day of *August*, that in every such case the said office and employment, mastership, government, fellowship, and professorship of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

IX. And be it further enacted, that if any such other person or persons (other than the persons specially above mentioned) shall refuse to take the said oaths, or either of them, when tendered to him or them by any persons lawfully authorized, as is aforesaid, to administer or tender the same; the person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing to the common gaol or house of correction, there to remain without bail or mainprize for the space of three months, unless such offender shall pay down to the said person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding forty shillings, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay for his or her said refusal: which money shall be paid to the churchwardens or overseers of the poor, for the relief of the poor of the parish or place where such offender did last inhabit: and if at the end of three months after such refusal, the person and persons so refusing shall again refuse to take the said oaths, or either of them, when lawfully tendered to him or them, as is aforesaid; the said person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing to the common gaol or house of correction, there to remain for the space of six months, unless every such offender shall pay down to the person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay for his or her said second refusal; the said money to be disposed in manner aforesaid; and unless every such offender shall become bound with two sufficient sureties, with condition to be of the good behaviour, and also to appear at the next assizes or general gaol delivery to be holden for the county, liberty, or place where such offender shall then inhabit or reside; at which assizes or gaol delivery the said oaths shall be again tendered to every such offender by the justices of assize or gaol delivery, in their open assizes or gaol delivery; and if the said offender shall refuse to take the said oaths, or either of them, when tendered to him or her by the said justices of assizes or gaol delivery, as is aforesaid, then every person and persons so refusing, shall be and is and are hereby adjudged incapable of any office, civil or military, within this kingdom, and shall likewise be and remain bound to the good behaviour, until he or they do take the said oaths. And in case such person or persons shall refuse also to make and subscribe the declaration mentioned in the statute made in the thirtieth year of the reign of king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, such person and persons shall suffer all pains, penalties, forfeitures, and disabilities as a popish recusant convict, and be taken and deemed a popish recusant convict, to all intents and purposes whatsoever.

Persons refusing to take the oaths upon tender, to be committed. Second refusal.

Third refusal.

Penalty for refusing declaration.

30 Car. 2, st. 3, c. 1.

Land and
sea officers
to take the
oaths and
declaration.

X. And be it further enacted by the authority aforesaid, that all and every commission officer and officers, and non commission or warrant officer and officers, that are already employed in their majesties' service by sea or land, shall take the said oaths, and also make, repeat, and subscribe the declaration mentioned in the said statute made in the thirtieth year of the reign of king *Charles* the second, before the lord high admiral of *England*, or the commissioners for executing the office of lord high admiral, or their deputies, or such other persons as their majesties shall authorize or appoint to administer and accept the same respectively; and that all and every such person and persons as shall hereafter be put into any such employment by sea or land, shall, before the delivery of such commission or warrant to such officer, take the said oaths, and make, repeat, and subscribe the said declaration before the lord high admiral, or commissioners of the admiralty, or their deputies, as aforesaid, or such person as shall issue such commission or warrant, or such others as shall be authorized to administer the same as aforesaid respectively, who are hereby respectively authorized and required to tender, administer, and accept the same; and all and every such officer or officers, that shall refuse to take the said oaths, and make and subscribe the said declaration, shall be incapable of receiving, taking, holding, or executing such office or employment.

Penalty.

The oath
and declara-
tion appoint-
ed by two
acts of 13 &
14 Car. 2, c.
3 & 4, made
void.

XI. And be it further enacted, that the oath appointed by the statute made in the thirteenth and fourteenth years of king *Charles* the second, intituled, *an act for ordering the forces in the several counties of this kingdom*, the form and words of which oath are in the same statute expressed; and also so much of a declaration prescribed in another act made in the same year, intituled, *an act for the uniformity of public prayers, and administration of the sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining, and consecrating, bishops, priests, and deacons, in the church of England*, as is expressed in these words, (*viz.*)

I *A. B.* declare, that it is not lawful upon any pretence whatsoever to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him:

shall not from henceforth be required or enjoined, nor any person suffer any forfeiture, penalty, or loss, by the not taking, subscribing, or making the said oath, or the said recited part of the said declaration; the last forementioned statutes, or any other law or statute to the contrary in anywise notwithstanding.

Oaths by
this act.

XII. And be it enacted, that the oaths that are intended and required to be taken by this act, are the oaths in these express words hereafter following;

I *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance, to their majesties king *William* and queen *Mary*:
So help me God, &c.

I *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, *that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever.*

And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm :

So help me God, &c.

XIII. And be it further enacted by the authority aforesaid, that the names of all and singular such persons and officers aforesaid, that do or shall, in the court of chancery, king's bench, or quarter sessions, take the oaths by this act required or appointed to be taken, shall be in the said respective courts of chancery and king's bench, and the quarter sessions, enrolled with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other. The which rolls, as for the court of chancery, shall be publicly hung up in the office of the petty bag; and the rolls for the king's bench, in the crown office of the said court; and in some public place in every quarter sessions, and there remain during the whole term, every term, and during the whole time of the said sessions, in every quarter sessions, for every one to resort to, and look upon without fee or reward. And none of the person or persons aforesaid shall give or pay, as any fee or reward to any officer or officers belonging to any of the courts, as aforesaid, above the sum of twelve-pence for his or their entry of his or their taking of the said oaths by this act required or appointed to be taken.

Names of persons who take the oaths to be enrolled,

to be viewed without fee.

Twelve-pence for the oath.

XIV. And whereas since the eleventh day of *December* in the year of our lord one thousand six hundred eighty-eight, the said abrogated oaths could not be taken by any person that was elected or placed in any office of magistracy, or place of trust relating to or concerning the government of any city, corporation, borough, cinque port, or their members, or other port town, at the time of his being admitted and sworn into such office, place, or employment, by reason whereof his said election, placing, and choice into such office or employment, by one act, intituled, *an act for the well governing of corporations*, is enacted and declared to be void; be it therefore enacted by the authority aforesaid, that if any such officer shall, before the first day of *August* in the year of our Lord one thousand six hundred eighty-nine, take the oaths herein mentioned and required to be taken, before such person or persons, who by the said act should have administered the said abrogated oaths, at the time of his admission into such office or employment, the said election and placing into such office or employment shall be taken and adjudged to be as good and effectual, as if he had taken the said abrogated oaths: any thing in the said act, or in any other statute to the contrary in anywise notwithstanding.

Provision for members of corporations who could not take the abrogated oaths since December last.

13 Car. 2, st. 2, c. 1.

XV. And whereas since the feast of *Saint Michael* last past, divers persons have been admitted into offices, employments, or places of trust, and could not take the said abrogated oaths, and subscribe the declaration at such time, and in such manner, as is directed and appointed by one act made the five and twentieth of the late king *Charles* the second, intituled, *an act for preventing of dangers that may happen from popish recusants*; be it therefore enacted by the authority aforesaid, that if any such person shall, before the end of *Trinity* term next, in the high courts of chancery or king's bench, or before the first of *August* in the year of our Lord one thousand

Provision for officers who could not take the abrogated oaths since Michaelmas last.

25 Car. 2, c. 2.

six hundred eighty-nine, at the quarter sessions for that county or place where he or they shall inhabit or reside, or execute the said office or employment, take the oaths in this act mentioned and appointed to be taken, and repeat and subscribe the said declaration, and take the sacrament of the Lord's supper according to the usage of the church of *England*, and procure certificate thereof, in such manner as in the said act is required, directed, and appointed, that then such person shall and is hereby indemnified and discharged from any penalty or disability that he might or should have incurred by the said act, and shall and is hereby adjudged to have been and be as good and sufficient an officer from the time of his admission, as if he had taken the said abrogated oaths, and performed all other things required by the said act; any thing to the contrary in anywise notwithstanding.

King may
allow to 12
of the nonju-
rant clergy
subsistence.

XVI. Provided always, and be it enacted by the authority aforesaid, that it be left to the king, to allow to such of the clergy as shall refuse the oaths prescribed by this act, as he shall think fit, not exceeding the number of twelve, an allowance out of their ecclesiastical benefices or promotions for their subsistence, not exceeding a third part, and to continue during his majesty's pleasure, and no longer.

Ante, c. 8.

1 WILLIAM & MARY, SESS. 1, CAP. 25.—*An act to regulate the administration of the oaths required to be taken by commission or warrant officers employed in their majesties' service by land, by virtue of an act made this present session of parliament, intituled, an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.*—Whereas by an act made this present session of parliament, intituled, *an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, all persons that shall hereafter be put into any military employment, shall be obliged to take the oaths, and make and subscribe the declaration therein mentioned, before such person as shall issue the commission or warrant for such employment; and whereas their majesties' service does require the regiments and troops of soldiers to march, and be at great distances from *London*, and upon any vacancy of any such military employment, by death or otherwise, it is necessary to fill up such vacancies, by granting new commissions for persons that may be at a great distance from *London*, so as their majesties' service will not permit them to repair to *London* to take the said oaths, and make the said declaration as aforesaid:

Commission
officers
twenty miles
from *London*
how to take
the oaths.

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any commission for such military employment shall hereafter be granted to any person at any distance from *London* exceeding twenty miles, that such person shall and may take the said oaths, and make and subscribe the said declaration, at the next muster after the receipt of the said commission, before the commissary of the musters, or his deputy, who is hereby authorized to tender, administer, and take the same, and are hereby required to send up a certificate thereof, under his hand and seal, to the person who issued such commission; any thing in the aforesaid act to the contrary notwithstanding.

III. And in case such person, who shall receive such commission, Penalty. shall refuse to take the said oaths, and subscribe the said declaration as aforesaid, such person shall not be allowed upon the musters, but his commission shall be void to all intents and purposes whatsoever.

IV. Provided always, and be it enacted, that nothing in this act Militia saved contained shall extend to the militia or trained bands of *England*.

1 WILLIAM & MARY, SESS. 2, CAP. 2, SEC. 3.—*An act declaring the rights and liberties of the subject, and settling the succession of the crown.*—See Title—"BILL OF RIGHTS," vol. i. p. 283.

3 WILLIAM & MARY, CAP. 2.—*An act for the abrogating the oath of supremacy in Ireland, and appointing other oaths.*—Whereas by a statute made in *Ireland* in the second year of the reign of our late sovereign lady queen *Elizabeth*, intituled, *an act restoring to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same*, the persons therein mentioned are thereby obliged to take the oath in the said act expressed :

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that from henceforth no person whatsoever residing in *Ireland* shall be obliged to take the said oath by force or virtue of the said recited statute, or any other statute whatsoever; but that the said statute and every other statute, for so much only as concerns the said oath, shall be and are hereby repealed, utterly abrogated and made void. The oath made in Ireland, 2 Eliz. c. 1, abrogated.

III. And be it further enacted, that the oaths appointed, intended, or required by this act to be taken, from and after the first day of *January* next in the year of our Lord one thousand six hundred ninety-one, be taken by the persons herein and hereafter mentioned, and by every such other person and persons, as were appointed and required by the said recited act, or any other statute whatsoever made in *Ireland*, to take the said abrogated oath, before such person or persons, and in such court as hereafter in this act is expressed, (that is to say) all and every archbishop and bishop of the realm of *Ireland*, that now is, and all and every person of or above the degree of a baron of parliament there, and all and every other person and persons inhabitants of or residing within the said realm of *Ireland*, now having any promotion, office, or employment ecclesiastical, civil, or military, or receiving any pay, salary, fee, or wages, by reason of any patent or grant of their majesties, or any of their predecessors, or being master, governor, head, or fellow of the college or university of *Dublin*, or master of any hospital, or school, or barrister at law, clerk in chancery, attorney, or professor of law, physic, or other science, that shall inhabit, be, or reside within the city of *Dublin*, or within thirty miles of the same, on the first day of *Hilary* term next, or at any time during the said term, in their majesties' high court of chancery in that kingdom, or in the court of king's bench there, in public and open court, between the hours of nine of the clock and twelve in the forenoon; and all the said persons which inhabit at greater distance from the said city, at the general quarter sessions to be holden for that county, barony, or place in *Ireland* aforesaid, What persons are bound to take the new oaths.

Persons within 30 miles of Dublin, to take them in the king's bench.

Persons above 30 miles off, in the sessions.

They must repeat the declaration.

Clerk's fee.
Penalty upon clergymen, not taking the oaths, &c.

Penalty upon other persons offending.

where he or they shall be or reside, in open court between the said hours of nine and twelve in the forenoon, at any time before the five and twentieth day of *July* next; and shall likewise make and subscribe, and audibly repeat, the declaration herein and hereafter mentioned, and expressed; all which shall be put on record in the said respective courts; and every person taking the same shall pay to the clerk for recording thereof, one shilling, and no more. And if any archbishop or bishop, or any other person having any ecclesiastical dignity or promotion, or being a lecturer or curate, shall neglect or refuse to take the said oaths, and make and subscribe the said declaration, as aforesaid, then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived of his and their offices, dignities, and promotions ecclesiastical, and incapable to be lecturer or curate in any place or cure whatsoever; and all and every other person having any office, or receiving any pay, salary, fee, or wages, by reason as aforesaid, or being master, governor, head, or fellow of the said university or college, or master of any hospital, or school, barrister at law, clerk in chancery, attorney, or professor of law, physic, or other science, as aforesaid, that shall neglect or refuse to take the said oaths, and make and subscribe the said declaration, within the time, and in the manner aforesaid respectively, shall be *ipso facto* thenceforth adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy such office, pay, salary, fee, wages, mastership, governor's place, headship, fellowship, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office and place shall be void, and is hereby adjudged to be void.

barristers, &c. to take the oaths before admitted to employment.

All persons, who were to take the abrogated oath, to take this and the declaration.

No member of either house of parliament shall

IV. And be it further enacted by the authority aforesaid, that every person that shall become a barrister at law, attorney, clerk, or officer in chancery, or any other court, their deputy or deputies, or shall succeed or practise as such in *Ireland*, at any time after the last day of *Hilary* term next, shall and is hereby required to take the said oaths, and make and subscribe the said declaration, in the court of king's bench at *Dublin*, in open court in term time, between the hours aforesaid, to be recorded as aforesaid, before he shall be admitted to enjoy or exercise any place or office, or to practise or plead in any court of law or equity, or any other court of record, or not of record; and that all persons that shall after the first day of *March* next be admitted into any office or employment, ecclesiastical or civil, or come into any capacity, in respect or by reason whereof they should have been obliged to take the said abrogated oath in the said recited act mentioned, shall take the said oaths, and make and subscribe the said declaration hereby appointed, hereafter expressed, in such manner, at such times, and before such persons, as they should or ought to have taken the said former oath, by virtue of the said recited act, in case the same had not been hereby abrogated as aforesaid.

V. And forasmuch as great disquiet and many dangerous attempts have been made, to deprive their majesties and their royal predecessors of the said realm of *Ireland*, by the liberty which the popish

recusants there have had and taken to sit and vote in parliament; be it enacted by the authority aforesaid, that from and after the last day of *January* next, no person that now is, or shall be hereafter a peer of that realm, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person that after the said last day of *January* shall be a member of the house of commons, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen, until he first take the oaths herein and hereafter mentioned and expressed, and make, subscribe, and audibly repeat this declaration following:

I *A. B.* do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe, that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the virgin *Mary*, or any other saint, and the sacrifice of the mass, as they are now used in the church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted, before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.

VI. Which said oaths and declaration shall be in the next and every succeeding parliament to be held in *Ireland*, solemnly and publicly made and subscribed, betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers there, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there present, and their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as whereby each house is called over respectively; and during the making and subscribing thereof, and taking the said oaths, all business and debates in either house respectively shall cease; and the clerk of such house respectively, is hereby required to record the same in rolls prepared for that purpose, and every member of either house shall pay to such respective clerk for recording thereof, one shilling, and no more.

VII. And be it further enacted by the authority aforesaid, that if any person that now is, or hereafter shall be, a peer of *Ireland*, or member of the house of peers, or member of the house of commons

sit before he
has taken
the new oath
and declara-
tion.

The declara-
tion.

How the
oaths are to
be taken by
the members

Clerk of each
house must
record the
oaths.

Punishment
upon mem-
bers of par-
liament,

barristers,
&c. for neg-
lecting.

there, or that shall become a barrister at law, attorney, clerk, or officer in chancery, or any other court, and all and every deputy and deputies in any office whatsoever, shall presume to offend, contrary to this act: that then every such peer and member, and such other person and persons so offending, shall be thenceforth disabled to hold or execute any office or place of profit, or trust, ecclesiastical, civil, or military, in any of their majesties' realms of *Ireland* or *England*, or dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in any of their majesties' islands or foreign plantations, to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either house of parliament of the said realm of *Ireland*, or make a proxy in the house of peers there, or to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit, for every wilful offence against this act, the sum of five hundred pounds, to be recovered and received by him, her, or them that will sue for the same, by any action of debt, bill, plaint, or information, in any of their majesties' courts of record at *Dublin*, wherein no essoin, protection, or wager of law shall lie or be allowed, nor any more than one imparlance.

VIII. And be it further enacted, that the oaths that are intended and required to be taken by this act, are the oaths in these express words hereafter following:

The new
oaths.

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance, to their majesties king *William* and queen *Mary*:
So help me God, &c.

I *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, *that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever.* And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, preeminence, or authority, ecclesiastical or spiritual, within this realm:
So help me God, &c.

Persons
exempted.

IX. Provided always, and be it enacted, that this act shall not extend to any person now chaplain, secretary, or attendant to any of their majesties' ambassadors, envoys, ministers, or resident in any foreign courts, or preacher to any *English* factory, or to any chaplains in their majesties' service by sea or land, out of the kingdom of *Ireland*, so as they take the oaths, and make and subscribe the said declaration hereby required, within three months after their return; nor to any other person of the protestant religion, now in office or place of trust or profit out of the kingdoms of *Ireland* or *England*, who shall return into the said realm of *Ireland*, and take the same at any time before the five and twentieth day of *December* one thousand six hundred ninety-two, in the court of king's bench there, the next term, after their respective arrival in that kingdom. Provided always that nothing in this act contained shall extend to the taking away the office or place of vice treasurer of *Ireland* from *William Harbord* esquire, who is now employed by their majesties as their ambassador extraordinary to mediate a peace between the *Christians* and the

Turks, but that he the said *William Harbord* shall have liberty to take the said oaths, and subscribe the said declaration, as are directed by this present act, any time within two months after his return into the said kingdom of *Ireland*; any thing in this act to the contrary notwithstanding.

X. And be it enacted by the authority aforesaid, that all and every archbishop and bishop in the said realm of *Ireland*, and every other person and persons now having any ecclesiastical office, dignity, or promotion, or being a lecturer or curate in the said kingdom, that shall happen to be in this realm of *England* the first day of *Hilary* term, which shall be in the year of our Lord one thousand six hundred ninety and one, shall take the said oaths, and make, subscribe, and audibly repeat the said declaration, before the end of the said term, in their majesties' court of chancery, or in the court of king's bench, in this realm of *England*, and shall again take the said oaths, and make, subscribe, and audibly repeat the said declaration before the five and twentieth day of *July*, which shall be in the year of our Lord one thousand six hundred ninety and two, in the court of chancery, or court of king's bench, in the said kingdom of *Ireland*, in the morning, and between the hours of nine and twelve, where the same shall be put upon record in the said respective courts, in manner as aforesaid. And if any such archbishop, or bishop, or other person in any ecclesiastical office, dignity or promotion, or being a lecturer or curate in the said kingdom of *Ireland*, happening to be within this realm at the time aforesaid, shall neglect or refuse to take the said oaths, and to make, subscribe, and repeat the said declaration, within either of the times before mentioned; then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived, of his or their archbishoprics, bishoprics, and ecclesiastical offices, dignities, and promotions, and incapable to be lecturer or curate in any place or cure whatsoever. And all and every other person or persons having any office, or receiving any pay, salary, fee, or wages, by reason of any patent or grant from their majesties, or any of their predecessors, or being master, governors, head of any college in the university of *Dublin*, or master of any hospital, or school, or barrister at law, clerk in chancery, attorney, or professor of law or physic, or other science, that shall reside or inhabit in this realm on the first day of the said *Hilary* term, shall before the end of the said term take the said oaths, and make, subscribe, and audibly repeat the said declaration, in their majesties' court of chancery, or court of king's bench, in this realm of *England*. And in case such other person or persons, so resident and inhabiting in this realm of *England*, shall neglect or refuse to take the said oaths, and make, subscribe, and repeat the said declaration, before the end of the said *Hilary* term, he or they shall be *ipso facto* thenceforth adjudged incapable, and disabled in law, to all intents and purposes whatsoever, to have, occupy and enjoy such office, pay, salary, fee, wages, mastership, governor's place, headship, fellowship, and employment or employments, or any part of them; and every such office or place shall be void, and is hereby adjudged to be void; and if such other person or persons so residing or inhabiting in the realm of *England*, on the said first day of *Hilary* term, shall take the said oaths,

Irish archbishop, &c. being in England in Hilary term 1691, shall take the oaths here, and likewise in Ireland.

Penalty for not taking the oaths here.

All other officers in Ireland being here, shall take the oaths here.

Penalty.

and make and subscribe the said declaration as aforesaid, it shall be as effectual to all intents and purposes, as if he or they had been then resident in *Ireland*, and had in manner, and in the time before mentioned, taken the said oaths, and made, subscribed, and repeated the said declaration, in any of the said courts of the said realm of *Ireland*.

Persons who were in Irish garrisons, and have submitted to the king, saved.

XI. Provided always, that this act, or any thing herein contained, shall not extend to hinder or disable any person or persons, who on the third of *October* one thousand six hundred ninety-one, were inhabiting or residing in *Limerick*, or any other garrison then in the possession of the *Irish*, or any officers or soldiers then in arms, by virtue of any commission of the late king *James*, or those authorized by him to grant the same, in the several counties of *Limerick*, *Clare*, *Kerry*, *Cork*, and *Mayo*, or any of them, or any commissioned officers then in their majesties' quarters, that did belong to the *Irish* regiments then in being, or were then treated with, or who were not prisoners of war, and who had not then taken protection, and have since returned and submitted to their majesties' obedience, from using, exercising, and practising his or their profession or calling of barrister at law, clerk in chancery, or attorney or practiser of law or physic; but they may freely use, exercise, and practise the same, as they did in the reign of the late king *Charles* the second; any thing herein contained to the contrary notwithstanding.

They must make their claim, &c. in Michaelmas term.

XII. Provided nevertheless, that every such barrister at law, clerk in chancery, or attorney or practiser of law or physic, who shall claim any benefit hereby, to be exempted from taking the oaths, and making, subscribing, and repeating the declaration in this act mentioned, in the court, and in the manner hereby appointed, shall make out his claim thereunto, according to the respective qualifications herein before expressed, before the court of king's bench in *Ireland*, in open court there in term time, between the hours of nine and twelve in the morning, on or before the last day of *Michaelmas* term next, to be there allowed and recorded; for the entry whereof upon record there shall be one shilling paid, and no more; and in default of such claim made, to be excluded from the same.

£500 penalty and disability upon barrister, &c. for practising before he has sworn.

XIII. Provided nevertheless, and be it enacted, that if any such person, before he hath taken the said oath to be faithful, and bear true allegiance to their majesties, in the court of king's bench in *Ireland*, or at the general quarter sessions of the peace in the county, city, or place, where such person shall inhabit, and procured the same to be recorded, and obtained the certificate thereof, shall use, exercise, or practice such his calling or profession, shall forfeit the sum of five hundred pounds to such person as will sue for the same, in any of their majesties' courts of record in *Ireland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed; and further, such person so using or exercising his profession or calling, shall be adjudged incapable ever to use or exercise the said profession or calling.

Justices of peace must give the oath of allegiance

XIV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for two or more justices of the peace, whereof one shall be of the *quorum*, within any county, city, or town

corporate in the said kingdom of *Ireland*, and they are hereby required, to direct their warrant or warrants to any constable, tithingman, headborough, or other officer, to summon any person of the age of eighteen years or upwards, to appear before such justices, at such time and place as shall be mentioned in such warrant, to take the oath before mentioned, to be faithful and bear true allegiance to their majesties: and if such person, being so summoned, shall not appear at the time and place, having no lawful let or impediment, or appearing shall refuse to take the said oath, being tendered to him or her by the said justices; the said justices shall commit such person making default, or refusing to take the said oath, to the common gaol or house of correction, there to remain without bail or mainprize for the space of three months, unless such offender shall pay down to the justices, or any of them, such sum of money, not exceeding forty shillings, as the said justices shall require such offender to pay; which money shall be paid to the churchwardens or overseers of the poor of such parish or place where such offender did last inhabit; and at some time after the end of three months after such default or refusal, two or more of such justices, as aforesaid, shall have power, and are hereby required, to direct their warrant in manner as aforesaid, to summon such offender to appear before them to take the said oath; and if such offender shall be summoned, and make default at the time and place appointed, not having any lawful let or impediment, or appearing, shall refuse to take the said oath, being tendered to him or her; the said justices shall commit such offender to the common gaol or house of correction, there to remain for the space of six months without bail or mainprize, unless such offender shall pay down to the said justices, or any of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said justices shall require, which said money shall be disposed of to the relief of the poor of such parish or place, in manner as aforesaid; and unless such offender shall become bound with two sufficient sureties, with condition to appear at the next assizes or general gaol delivery, to be holden for such county where such offender shall inhabit or reside, and in the meantime to be of the good behaviour; at which assizes or gaol delivery the said oath shall be tendered to such offender by the justices of assize or general gaol delivery, in their open assizes or sessions; and if upon such tender such offender shall refuse to take the said oath, he shall incur the danger and penalty of *premunire*, mentioned in the statute of *premunire* in the sixteenth year of the reign of king *Richard* the second, except women covert, who upon refusal of the said oath shall be by the said justices of assize, in their open assize or general gaol delivery, committed only to the common gaol, there to remain without bail or mainprize, till they will take the said oath.

to all persons
above eigh-
teen.

Penalty upon
first refusal.

Penalty
upon second
refusal.

Penalty upon
third refusal.
16 R. 2, c. 5.

XV. Provided nevertheless, that whereas there are certain dissenters in *Ireland* commonly called *Quakers*, who scruple the taking any oath, it shall be sufficient for every such dissenter, he or she producing a certificate under the hands and seals of six or more sufficient men of the congregation, to which he or she belongs, owning him or her for one of them, to make and subscribe the following declaration:

Declarations
appointed
for Quakers
in place of
the oaths,
which ex-
empt them
from the
penalties.

I *A. B.* do sincerely promise and solemnly declare before God and the world, that I will be true and faithful to king *William* and queen *Mary*; and I do solemnly profess and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, *that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever.* And I do declare, that no foreign prince, person, prelate, state, or potentate hath or ought to have any power, jurisdiction, superiority, preeminence, or authority, ecclesiastical or spiritual, within this realm: And every such dissenter so subscribing shall be and is hereby exempted from the penalties mentioned in this act.

Taking declaration does not make them capable of office.

XVI. Provided nevertheless, that no such person called *Quaker*, shall by such declaration and subscription be capable to take, have, or hold, any office, employment, place, pay, salary, fee, grant, wages, or any other place of profit or trust, whereunto any person taking the said oaths, and making and subscribing the declaration in the courts aforesaid, shall or may be entitled; any thing herein contained to the contrary notwithstanding.

This act not to be dispensed with.

XVII. Provided always, and be it enacted, that this act shall not be dispensed with by any warrant or letters patents under the great seal of *England* or *Ireland*; but that all such warrants, and clauses of dispensation thereof in any such warrants or letters patents, are hereby declared to be null and void, and of no effect; any law, statute, or usage to the contrary notwithstanding.

Persons practising law not taking the oaths by 1 W. & M. s. 1, c. 8, to incur the penalties in statute of premunire, 16 R. 2, c. 5.

7 & 8 WILLIAM 3, CAP. 24.—*An act requiring the practisers of law to take the oaths, and subscribe the declaration therein mentioned.*—For the better security of his majesty's government, and the public peace of this kingdom; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, that if any person at any time after the five and twentieth day of *May*, which shall be in the year of our Lord one thousand six hundred ninety-six, shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever, not having, before the time of such acting, taken in his majesty's court of chancery, or king's bench, or quarter sessions of the county wherein he lives, the oaths mentioned and appointed to be taken in and by one act made in the first year of the reign of king *William* and queen *Mary*, intituled, *an act for the abrogating of the oaths of allegiance and supremacy, and appointing other oaths,* and made and subscribed the declaration appointed to be made and subscribed in and by one act made in the five and twentieth year of the reign of king *Charles* the second, intituled, *an act for preventing dangers which may happen from popish recusants,* such persons shall incur all the pains, penalties, and forfeitures, mentioned in the statute of provision and *premunire*, made in the sixteenth year of the reign of king *Richard* the second.

25 Car. 2, c. 2.

7 & 8 WILLIAM 3, CAP. 27.—*An act for the better security of his majesty's royal person and government.*—See Title—"PROTESTANT SUCCESSION TO THE CROWN."

13 WILLIAM 3, CAP. 6.—*An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

1 ANNE, STAT. 1, CAP. 22.—*An act to declare the alterations in the oath appointed to be taken by the act, intituled, an act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

1 ANNE, STAT. 2, CAP. 17.—*An act for enlarging the time for taking the oath of abjuration; and also for recapacitating and indemnifying such persons as have not taken the same by the time limited, and shall take the same by a time to be appointed; and for the further security of her majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

4 ANNE, CAP. 8.—*An act for the better security of her majesty's person and government, and of the succession to the crown of England, in the protestant line.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

5 ANNE, CAP. 5.—*An act for securing the church of England, as by law established.*—See Title—“CHURCH EPISCOPAL, SCOTLAND,” vol. i. p. 593.

6 ANNE, CAP. 7.—*An act for the security of her majesty's person and government, and of the succession to the crown of Great Britain in the protestant line.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

6 ANNE, CAP. 14.—*An act for the better security of her majesty's person and government.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

10 ANNE, CAP. 7.—*An act to prevent the disturbing those of the episcopal communion in that part of Great Britain called Scotland, in the exercise of their religious worship, and in the use of the liturgy of the church of England; and for repealing the act passed in the parliament of Scotland, intituled, an act against irregular baptisms and marriages.*—See Title—“CHURCH EPISCOPAL, SCOTLAND,” vol. i. p. 594.

1 GEORGE 1, STAT. 2, CAP. 13.—*An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors.*—See Title—“PROTESTANT SUCCESSION TO THE CROWN.”

5 GEORGE 1, CAP. 29.—*An act for making more effectual the laws appointing the oaths for security of the government to be taken by ministers and preachers in churches and meeting houses in Scotland.*—Whereas sundry persons, expectants of divinity, have presented themselves to presbyteries in Scotland, in order to obtain licences to preach in churches, or being ordained ministers of the church of

Persons having obtained licences to preach in Scotland, and have not taken the oaths to the government, or who after June 1, 1719, shall present themselves to be licensed to preach, &c. shall first take the following oath in the court of the lords of session, &c.

The oath.

Scotland, without taking any oath or declaration whereby their affection to his majesty's person and government, and to the settlement of the crown in the protestant line, might be known: and whereas also divers persons have preached and performed other parts of divine worship in meeting houses in *Scotland*, who do not take the oaths and declarations appointed by law to be taken by pastors or ministers of the episcopal congregations there, nor do pray for his majesty king *George*, nor for their royal highnesses the prince and princess of *Wales* and their issue; by all which means men disaffected being licensed or suffered to preach, may and do sow the seeds of disaffection amongst the people: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and every person who has obtained licence, and been admitted to preach by any presbytery in *Scotland*, and has not taken the oaths to the government, or who, on or after the first day of *June* one thousand seven hundred and nineteen, shall present himself to be tried as to his qualifications to be licensed or admitted to preach, or to be ordained a minister of the church of *Scotland*, shall, before the said day, or his obtaining such licence to preach, or being admitted or ordained to be minister, take and subscribe, before and in the court of the lords of session, or the court of justiciary, or the court of exchequer in *Scotland*, or before the justices of the peace at their quarter sessions held for any shire, stewartry, city or borough in *Scotland*, or before sheriffs or stewards, or their deputies, in open court held for their shire or stewartry, within which shire, stewartry, city or borough respectively such person has residence, or within which the presbytery to which he shall present himself, in order to enter upon his trials for obtaining a licence or being ordained, shall be held, the following oath:

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the world, that our sovereign lord king *George* is lawful and rightful king of *Great Britain*, and all other his majesty's dominions thereunto belonging; and I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales* during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging; and I do renounce, refuse and abjure any allegiance or obedience to him; and I do swear, that I will bear faithful and true allegiance to his majesty king *George*, and him will defend to the utmost of my power against all the traitorous conspiracies and attempts whatsoever, which shall be made against his person and government; and I will do my utmost endeavour to disclose and make known to his majesty and his successors all treason and traitorous conspiracies, which I shall know to be against him or any of them; and I do faithfully promise to the utmost of my power to support, maintain and defend the

succession of the crown in the heirs of the body of the late princess *Sophia*, electoress and duchess of *Hanover*, being protestants, against him the said *James*, and all other persons whatsoever: and all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise heartily, willingly and truly.

So help me God.

Which courts respectively shall from time to time administer the said oath to such persons as shall tender themselves to take the same; and the clerks of such courts respectively where such oaths shall be taken, shall grant certificates bearing the day and date of taking such oaths, and names of the commissioners of the peace present, and the name and description of every person who shall take such oaths; for which certificate there shall be no more paid than two shillings.

Which courts shall administer the same, and the clerks grant certificates, paying two shillings for each.

II. And be it further enacted by the authority aforesaid, that all and every person, who shall present himself in order to trial for obtaining licence to preach, or to be ordained a minister of the church of *Scotland*, shall, before he obtain such licence or be ordained, cause to be record in the book of the sheriff or steward court, within the jurisdiction of which is the seat of such presbytery where he shall present himself, a certificate of his having taken and subscribed the aforesaid oath in manner as above directed.

The certificate to be recorded in the book of the sheriff, &c.

III. And be it also further enacted by the authority aforesaid, that no person shall take upon him to preach, read prayers or perform any part of divine service in any episcopal meeting house or congregation, where the number of nine or more persons shall be present, over and besides those of the same household, in *Scotland*, or to supply the place of any pastor or pastors, minister or ministers, in any such episcopal congregation or meeting house, but such who shall pray in express words for his most excellent majesty king *George*, their royal highnesses the prince and princess of *Wales* and their issue, and who shall have taken and subscribed the said oath in one or other of the courts of session, justiciary or exchequer in *Scotland*, or before the justices of the peace at their quarter sessions, or sheriffs or stewards of any shire or stewartry, in open court as aforesaid; within which any such person or persons is resident, or the meeting house where he shall take upon him to preach or perform any part of divine service is situated; which oaths the said judges, justices, sheriffs or stewards shall administer; and the clerks of the court respectively shall grant certificates in the same manner as above directed in the case of such as offer themselves to trial in order to obtain licence or be ordained.

No persons shall preach, &c. in any episcopal congregation in *Scotland*, but such who shall pray for king *George*, &c. and who shall have taken the said oath.

IV. And be it further enacted by the authority aforesaid, that if any expectant of divinity, hereby directed to take and subscribe the oath aforesaid, shall presume to present himself, or sue or apply to any presbytery or church judicature, in order to be ordained or licensed to preach without having caused to be recorded, as aforesaid, a certificate of his having before taken the oaths as above

Any expectant of divinity presenting himself to be ordained, &c. without having recorded a certificate of

his having taken the oaths, shall be liable to six months imprisonment, incapable of enjoying any benefice, &c.

directed, he shall be liable to six months imprisonment, and shall be incapable of enjoying any benefice, glebe or manse by virtue of any presentation, call or other settlement, as a minister of any parish, for the space of one year, to be reckoned from the time that he shall take the oaths after having obtained licence to preach; and all civil magistrates are hereby impowered and required to hinder any such person to preach in any church within their jurisdictions respectively; or if any person or persons shall presume to preach or perform any part of divine service in any episcopal meeting house in *Scotland*, without praying in words express for his most excellent majesty king *George*, their royal highnesses the prince and princess of *Wales* and their issue, or without having first taken the aforesaid oath in manner above directed, every such person or persons shall be liable to six months imprisonment; and every meeting house where such offence shall be committed, shall be shut up for six months.

Penalties how to be disposed and recovered.

V. And be it further enacted by the authority aforesaid, that one moiety not exceeding a half-year's stipend of the parishes respectively concerned, of such penalties as shall be incurred by virtue of this act, shall belong and go to such person or persons as shall inform against and prosecute to conviction the persons offending; and the other moiety to the poor of the parish where such offence shall be committed; and the said moieties respectively of the penalties aforesaid shall be recoverable by way of action or summary complaint, without abiding the ordinary delays of process, in any court of law within *Scotland*; and no advocacy or suspension, or other stop of such prosecution, before any inferior court, shall be of any force or effect in law, unless upon production of a certificate that the person prosecuted has taken the oaths above directed.

1 G. 1, st. 2, c. 13.

VI. And whereas divers ministers of the church of *Scotland* have, upon certain mistakes, omitted to take the oaths, and subscribe the assurance appointed to be taken and subscribed by an act made in the first year of his majesty's reign, intituled, *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, within the times and terms therein mentioned, whereby the penalties and incapacities in the said act contained have been incurred: and whereas his majesty is most graciously pleased to pardon and discharge the said penalties and incapacities: be it therefore enacted by the authority aforesaid, that all and every minister of the church of *Scotland* shall be acquitted, pardoned, released and discharged of the offences of having preached without taking and subscribing the said oaths and assurances, and of all forfeitures, penalties and disabilities incurred on that account, by virtue of the aforesaid or any other act of parliament.

Ministers of the church of Scotland acquitted of the offences of preaching without having taken the said oaths, and of the forfeitures, &c. incurred by the recited act.

Ministers of the church of Scotland shall, before June 1, 1719, take the oath of allegiance, &c.

VII. And be it also further enacted, that all and every person, who now is or shall hereafter be ordained or admitted a minister of the church of *Scotland*, (excepting such who have taken and subscribed the oaths and declarations appointed by the last mentioned statute) shall, on or before the first day of *June* one thousand seven hundred and nineteen, or before their being ordained or admitted

minister of any congregation in *Scotland*, take and subscribe the oath of allegiance and the assurance, as in the said act is mentioned, and also the oath of abjuration hereinbefore directed to be taken and subscribed in lieu of the oath of abjuration formerly required by law; and that in such manner, before such judges, in such courts, and to be certified as therein or herein is before mentioned, and under such penalties and disabilities, as in and by the said act made in the first year of his majesty's reign, and in and by the said acts generally therein mentioned, is directed, with respect to the oaths and declarations contained in the said act; and all and every minister who shall, in pursuance of this act, take, or who has, in pursuance of any former act of parliament, taken the said oaths, shall cause a certificate thereof to be entered in the books of the sheriff or steward courts within the bounds or jurisdictions of which lies the parish of which he is minister; and the clerks of the said courts are hereby required to enter such certificate, and grant extracts thereof to such as shall require the same, without any fee or reward, other than two shillings for every such certificate or extract.

1 G. 1, st. 2,
c. 13.

And cause a certificate thereof to be entered in the sheriff's books, &c.

VIII. And whereas great obstructions have been made to the planting, supplying or filling up of vacant churches in *Scotland* with ministers qualified according to law, patrons presenting persons to churches who are not qualified by taking the oaths appointed by law, or who being settled in other churches cannot or will not accept of such presentations: to the end that such inconveniences may be prevented for the future, be it enacted by the authority aforesaid, that if any patron shall present any person to a vacant church from and after the said first day of *June* one thousand seven hundred and nineteen, who shall not be qualified by taking and subscribing the said oath in manner aforesaid, or shall present a person to any vacancy, who is then or shall be pastor or minister of any other church or parish, or any person who shall not accept or declare his willingness to accept of the presentation and charge to which he is presented, within the said time, such presentation shall not be accounted any interruption of the course of time allowed to the patron for presenting; but the *jus devolutum* shall take place, as if no presentation had been offered; any law or custom to the contrary notwithstanding.

If any patron shall present to a vacant church any person not qualified, &c, the presentation shall not be an interruption to the course of time allowed the patron to present.

IX. And be it also further declared and enacted, that nothing herein contained shall prejudice or diminish the right of the church, as the same now stands by law established, as to the trying of the qualities of any person presented to any church or benefice.

Nothing herein shall prejudice the rights of the church as to trying the

qualities of persons presented.

2 GEORGE 2, CAP. 23.—*An act for the better regulation of attornies and solicitors.*—See Title—"PROTESTANT SUCCESSION TO THE CROWN."

9 GEORGE 2, CAP. 26.—*An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against*

Preamble,
reciting the
acts 1 Geo. 1,
c. 13.

25 Car. 2, c. 2.

Persons tak-
ing the oaths,
receiving the
sacrament,
&c. by 1 Aug.
1736, indem-
nified,

transubstantiation; and for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees.—Whereas divers persons, who on account of their offices, places, employments or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or the assurance respectively appointed to be taken by such persons in and by an act made in the first year of the reign of his late majesty king *George the first*, of glorious memory, intituled, *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*; or to have qualified themselves according to an act made in the twenty-fifth year of the reign of king *Charles the second*, intituled, *an act for preventing dangers which may happen from popish recusants*, by receiving the sacrament of the Lord's supper according to the usage of the church of *England*, and making and subscribing the declaration against transubstantiation therein mentioned; have, through ignorance of the law, absence, the shortness of the time allowed for that purpose, or some unavoidable accident, omitted to take and subscribe the said oaths or assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities: for quieting the minds of his majesty's subjects, and for preventing any inconveniencies that might otherwise happen by means of such omissions, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person or persons, who shall on or before the first day of *August* in the year of our Lord one thousand seven hundred and thirty-six, take and subscribe the said oaths and assurance respectively, in such cases wherein by law the said oaths or assurance ought to have been taken and subscribed, in such manner and form, and at such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty king *George the first*, and also receive the sacrament of the Lord's supper according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, shall be and are hereby indemnified, freed and discharged, of, from and against all penalties, forfeitures, incapacities and disabilities incurred or to be incurred for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or receiving the said sacrament, or making or subscribing the said declaration respectively, according to the above mentioned acts, or any of them, or any other act or acts concerning persons in offices or places of trust, and is and are and shall be fully and actually recapacitated and restored to the same state and condition, as such person and persons were in before such neglect or omission, and shall be deemed and adjudged to have

duly qualified, him, her or themselves, according to the above mentioned acts, and every of them, and that all acts done or to be done by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity as the same, or any of them, would have been, if such person or persons had taken and subscribed the said oaths and assurance, and received the sacrament of the Lord's Supper, and made and subscribed the said declaration respectively, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves in the manner and within the time appointed by this act, shall be to all intents and purposes as effectual as if such person or persons had respectively taken and subscribed the said oaths and assurance, and received the said sacrament, and made and subscribed the said declaration, within the time and in the manner appointed by the several acts before mentioned. and their acts valid.

II. Provided always, that this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or entitle any person or persons to any office or employment, benefice, matter or thing whatsoever, already actually avoided by judgment of any of his majesty's courts of record, or already filled up or enjoyed by another person; but such office, employment, benefice, matter or thing so avoided, or filled up and enjoyed as aforesaid, shall be and remain in and to the person or persons who is or are now entitled to the same, as if this act had never been made. This act not to restore to any office, &c. already vacated, or enjoyed by another person.

III. And whereas the time for taking and subscribing the oaths appointed to be taken and subscribed by persons on account of their offices, places, employments or professions, or on any other cause, in and by the said act made in the first year of the reign of his late majesty king *George* the first, is, by an act made in the second year of the reign of his present majesty, intituled, *an act for indemnifying persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose, and for repealing so much of an act of parliament passed in the first year of his late majesty king George the first, as requires persons to qualify themselves for offices or employments within three months, and for limiting other times for such qualifications; as also for the repeal of so much of an act passed in the thirtieth year of the reign of king Charles the second, as relates to the sworn servants of the king's or queen's majesty*, limited to any time before the end of the next term, after he or they shall be admitted into or enter upon any such preferment, benefice, office or place, or come into any such capacity, or take upon him or them such practice, employment or business, as is therein mentioned, or to any time before the end of the next quarter sessions of the county, city or place where such person shall be or reside, after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into any such capacity, or take upon him or them such practice, employment or business as is therein mentioned: and whereas by the said act made in the twenty-fifth year of the reign of king *Charles* the second, the respective persons therein mentioned are required to make and subscribe the declaration against transubstantiation in the next term, or at the quarter sessions for that county or place where he or they The indemnifying act 2Geo. 2, c. 31.

All persons admitted into any pre-
sentments or places after
1 Aug. 1736, to take the
oaths, &c. within six
months after admission.

Persons be-
yond the seas
allowed to
take the said
oaths, &c. six
months after
their return.

shall reside, next after his or their admittance or admittances into the respective offices or employments therein mentioned, which times so limited in the said several acts are found to be too short and inconvenient; now for remedy thereof, and for amending the said acts by enlarging the said times, be it enacted by the authority aforesaid, that all and every person and persons that shall be admitted, entered, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his majesty, his heirs or successors, or by his authority, or by authority derived from him or them within that part of *Great Britain* called *England*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service, office or employment in the household or family of his majesty, or her majesty, or of his royal highness *Frederick* prince of *Wales*, or of any of his majesty's issue, and all ecclesiastical persons, heads or governors of what denomination soever, and all other members of colleges and halls within either of the universities of *Oxford* or *Cambridge*, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching or reading to pupils in either of the aforesaid universities or elsewhere, and schoolmasters and ushers, and all preachers and teachers of separate congregations, high and chief constables, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever, within that part of *Great Britain* called *England*, who shall at any time after the first day of *August* in the year of our Lord one thousand seven hundred and thirty-six, be admitted into, or enter upon, any of the aforesaid preferments, benefices, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, shall take and subscribe the oaths appointed by the statute made in the first year of the reign of his late majesty king *George* the first, in such form as by that statute is directed, in his majesty's court of chancery, king's bench, common pleas or exchequer, or at the general or quarter sessions of the county, city or place where such person shall be or reside, at any time within six calendar months after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into such capacity, or take upon him or them such practice, employment or business as aforesaid; and all and every person or persons, who, by the said act made in the twenty-fifth year of the reign of king *Charles* the second, are required to make and subscribe the declaration against transubstantiation, shall make and subscribe the said declaration at the same places, and at the same times, as are by this act limited for taking and subscribing the oaths aforesaid.

IV. Provided always, that nothing in this act shall extend to any person beyond the seas, who by virtue of this act ought to take and subscribe the said oaths, or by virtue of the said act made in the twenty-fifth year of king *Charles* the second ought to make and subscribe the said declaration, so as such person do within six

calendar months after his return to or arrival in that part of *Great Britain* called *England*, take and subscribe the said oaths, in such manner and form, and at such place and places, as are appointed in and by the said act made in the first year of the reign of his late majesty king *George* the first, and also receive the sacrament of the Lord's supper according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed.

V. Provided always, and it is hereby further enacted by the authority aforesaid, that all and every person and persons aforesaid that shall neglect or refuse to take the said oaths, or who shall neglect or refuse to make and subscribe the said declaration in cases where the same ought to be made and subscribed, within the time and at the places aforesaid, according to the directions of this act, shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties as in and by the said act of the first year of the reign of his late majesty king *George* the first are provided and inflicted for not taking and subscribing the said oaths, or are provided and inflicted by the said act made in the twenty-fifth year of the reign of king *Charles* the second for not making and subscribing the said declaration; and in case of executing any such office, place or employment, after such neglect or refusal as aforesaid, every such person and persons being thereof lawfully convicted in such manner as by the said several acts is directed, shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said acts are provided, to be prosecuted, sued for and recovered in such manner as therein is prescribed.

Persons neglecting to take the oaths, &c. in the time herein limited, to incur the penalties inflicted by the said acts.

VI. And it is hereby further enacted by the authority aforesaid, that all and every the powers, authorities, conditions, directions and provisions in and by the said acts of the first year of the reign of his late majesty king *George* the first, and of the twenty-fifth year of the reign of king *Charles* the second, enacted or provided touching or relating to the taking and subscribing of the said oaths, and the making and subscribing the said declaration, or the neglect or refusal thereof, shall be adjudged, deemed and taken to be in full force, as if the same were herein particularly inserted and re-enacted, except only as to the alteration by this act made in respect of the times limited for taking and subscribing the said oaths, and making and subscribing the said declaration, and also as to the indemnity hereby granted to such who on or before the first day of *August* one thousand seven hundred and thirty-six, shall take and subscribe the said oaths, and make and subscribe the said declaration, and receive the sacrament of the Lord's supper according to the usage of the church of *England*, where the same are respectively required by law; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

All the powers in the recited acts to continue in full force,

except only as to the alteration made by this act with regard to time.

VII. And whereas by a clause in an act of parliament passed in the third year of his late majesty's reign, intituled, *an act for explaining an act passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates, and for*

Recital of a clause in the act 3 Geo. i. c. 18,

enlarging the time for such registering, and for securing purchases made by protestants; it was enacted, that from and after the nine and twentieth day of September in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments, or any interest therein, or rent or profit thereout, should pass, alter or change from any papist or person professing the popish religion, by any deed or will, except such deed within six months after the date, and such will within six months after the death of the testator should be enrolled in one of the king's courts of record at Westminster, or else within the same county or counties wherein the manors, lands and tenements lie, in such manner as therein for

10 Geo. 1, c. 4. *that purpose is particularly directed; and whereas by a clause in another act of parliament passed in the tenth year of his said late majesty's reign, intituled, an act for explaining and amending an act of the last session of parliament, intituled, an act to oblige all persons being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his majesty's person and government by several acts therein mentioned, to register their names and real estates; and for enlarging the time for taking the said oaths, and making such registers; and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his said late majesty's reign; and also for giving relief to protestant lessees; it was enacted, for the relief of such persons who had neglected or omitted to enroll their deeds or wills, that every deed and will which had been then made since the nine and twentieth day of September one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any person professing the popish religion, though not then enrolled, should be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the time limited by the said clause in the said former act for enrolment thereof, provided the said deeds and wills should be enrolled on or before the nine and twentieth day of September one thousand seven hundred and twenty-four, in such*

3 Geo. 2, c. 29. *manner as by the said former act was directed: and whereas by a clause in another act of parliament passed in the third year of his present majesty's reign, intituled, an act for continuing and amending an act regulating the price and assize of bread; for relief of bankrupts whose certificates were not allowed before the expiration of a late act for the better preventing frauds committed by bankrupts; for allowing further time for enrolment of deeds or wills made by papists, and for relief of protestant purchasers and lessees; and for making further provision concerning certificates relating to the settlements of poor persons, and the charges of maintaining and removing certificated persons; it was enacted, for the relief of such protestant purchasers and lessees, and such other persons as had neglected or omitted to enrol their deeds or wills in due time, that every deed and will then made since the nine and twentieth day of September in the year of our Lord one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands tenements or hereditaments, or any interest therein, or rent or*

profit thereout, from any papist or person professing the popish religion (though not then enrolled) should be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the times limited in the clauses in the said former acts for the enrolment thereof, provided the same deeds and wills should be enrolled on or before the nine and twentieth day of *September* one thousand seven hundred and thirty-one, in such manner as by the said clause in the said first mentioned act was directed: and whereas by a clause in another act of parliament passed in the sixth year of his present majesty's reign, intituled, *an act for allowing further time for the enrolment of deeds and wills made by papists, and for relief of protestant purchasers and lessees*; it was enacted, that every deed and will then made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion (though not enrolled) should be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the times limited in the said clauses in the said acts for the enrolment thereof; provided the same deeds and wills should be enrolled on or before the twenty-ninth day of *September* one thousand seven hundred and thirty-three, in such manner as by the said clause in the said first mentioned act is directed: and whereas several of his majesty's protestant subjects, since the nine and twentieth day of *September* one thousand seven hundred and seventeen, have purchased lands and taken leases upon fines paid, where some small rents have been reserved from papists or persons professing the popish religion, and have neglected and omitted to enrol their purchase deeds and leases within the times limited by the said clauses in the said acts directed for the enrolment thereof, and are in danger of being defeated of their said purchases and leases: and whereas several infants and others claiming under the last wills and testaments of papists or persons professing the *popish* religion, may be defeated of their manors, lands, tenements and hereditaments, so devised to them, through the neglect or omission of the executors or trustees of such wills to enrol the same in due time according to the direction of the said clause in the said acts; to relieve therefore such protestant purchasers, devisees and lessees, and such other persons as have neglected or omitted to enrol their deeds or wills in due time as aforesaid, be it enacted by the authority aforesaid, that every deed and will made since the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the *popish* religion, though not enrolled, shall be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills shall be enrolled on or before the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred

6 Geo. 2, c. 5,
concerning
papists' es-
tates.

Deeds and
wills made
since 29 Sept.
1717, for con-
veyance of
the lands of
papists, shall
be good, if
enrolled by
29 Sept. 1736.

and thirty-six, in such manner as by the said clause in the said first mentioned act is directed.

But not to extend to deeds, wills, or leases, not enrolled, whereof advantage was taken before 2 Feb. 1735.

VIII. Provided always, that nothing herein contained shall extend or be construed to extend, to make good any such deed, will or lease already made, and not enrolled, of the want of enrolment whereof advantage shall have been taken on or before the second day of *February* in the year of our Lord one thousand seven hundred and thirty-five, but every such deed, will and lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force or effect.

No purchase of lands, &c. made by protestants for valuable consideration to be avoided for want of enrolment; Exception.

IX. And whereas many purchases made by protestants since the said twenty-ninth day of *September* one thousand seven hundred and seventeen, may be in danger of being impeached or called in question, in regard that some deeds or wills through which the title thereto is derived ought to have been enrolled according to the said acts, but have not been so enrolled by reason that it was not known to such purchasers that the persons who made such deeds or wills were papists; be it therefore further enacted by the authority aforesaid, that no purchase made for full and valuable considerations of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of protestants, shall be impeached or avoided, for or by reason that any deed or will, through which the title thereto is derived hath not been enrolled as required by the said acts, so as no advantage was taken of the want of enrolment thereof before such purchase was made, and so as such purchaser or purchasers had not notice before such their purchase that the person or persons who made such deed or will was or were a papist or papists, and so as no decree or judgment hath been obtained for want of the enrolment of such deeds or wills.

19 GEORGE 2, CAP. 38.—*An act more effectually to prohibit and prevent pastors or ministers from officiating in episcopal meeting-houses in Scotland, without duly qualifying themselves according to law; and to punish persons for resorting to any meeting-houses where such unqualified pastors or ministers shall officiate.*—See Title—"CHURCH, EPISCOPAL, IN SCOTLAND," vol. i. p. 598.

6 GEORGE 3, CAP. 53.—*An act for altering the oath of abjuration and the assurance; and for amending so much of an act of the seventh year of her late majesty queen Anne, intituled, an act for the improvement of the union of the two kingdoms, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or misprision of treason.*—

Preamble, reciting clauses in act 1 Geo. 1, st. 2, c. 13.

Whereas by an act passed in the first year of the reign of his late majesty king *George* the first, intituled, *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; it is, amongst other things, enacted, that all and every person and persons therein mentioned, within Great Britain, and the several islands of Jersey and Guernsey, should take and subscribe the oath of abjuration therein mentioned; and all and every person and persons therein mentioned within Scotland, should*

also subscribe the assurance therein mentioned; in the manner, at the times and places, and under the pains and penalties, in the said act expressed: and whereas by an act passed in the fifth year of the reign of his said late majesty, intituled, *an act for making more effectual the laws appointing the oaths, for security of the government, to be taken by the ministers and preachers in churches and meeting houses in Scotland*, it is enacted, that all and every person and persons therein mentioned, in *Scotland*, should subscribe the assurance in the above mentioned act contained, and also take and subscribe the oath of abjuration therein directed to be taken, in lieu of the oath of abjuration formerly required by law, in the manner, at the times and places, and under the penalties and disabilities, in the said act provided: and whereas by the death of the person who pretended to be prince of *Wales* during the life of the late king *James*, and, since his decease, pretended to be, and took upon himself the style and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, it is become necessary to make some alteration in the oath of abjuration, and the assurance, contained in the said acts above mentioned: be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the fourth day of *June*, one thousand seven hundred and sixty-six, the oath of abjuration in the said act above mentioned, be administered in such manner and form as is hereinafter set down and prescribed; (that is to say)

and act
5 Geo. 1, c. 29.

From and after 4 June, 1766, the oath of abjuration required to be taken by the recited acts, to be administered in the following form.

The form.

I *A. B.* do truly and sincerely, acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our sovereign lord king *George* is lawful and rightful king of this realm, and all other his majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe, in my conscience, that not any of the descendants of the person who pretended to be prince of *Wales* during the life of the late king *James* the second, and, since his decease, pretended to be, and took upon himself the style and title of, king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath any right or title whatsoever to the crown of this realm, or, any other the dominions thereunto belonging: and I do renounce, refuse, and abjure, any allegiance or obedience to any of them. And I do swear, that I will bear faith and true allegiance to his majesty king *George*, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to his majesty, and his successors, all treasons and traitorous conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend, the succession of the crown, against the descendants of the said *James*, and against all other persons whatsoever, which succession, by an act, intituled, *an act for the further limitation of the crown, and better securing the*

After 24
June, 1766,
the assur-
ance in first
recited act,
to be admi-
nistered in
the following
form.
The form.

The said
oath and
assurance,
to be admi-
nistered,
taken, and
subscribed,
within the
time, and in
the manner,
&c. as by the
recited acts
are directed.

From and af-
ter 1 August,
1766, the
same oath of
abjuration to
be taken in
Ireland, and
other his
majesty's
dominions.
Benefit of
indemnities
granted by
act of 1 Geo.
1, to be in
force in Ire-
land.

Clause in act
7 Anne, c. 21.

rights and liberties of the subject, is and stands limited to the princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a christian.

And that from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, the assurance, in the said first mentioned act contained, be administered in such manner and form as is hereinafter set down and prescribed; (that is to say)

I *A. B.* do, in the sincerity of my heart, assert, acknowledge, and declare, that his majesty king *George* is the only lawful and undoubted sovereign of this realm, as well *de jure*, that is, of right king, as *de facto*, that is, in the possession and exercise of the government. And therefore I do promise and swear, that I will with heart and hand, life and goods, maintain and defend his right, title, and government, against the descendants of the person who pretended to be prince of *Wales* during the life of the late king *James*, and, since his decease, pretended to be, and took upon himself the style and title of king of *England*, by the name of *James* the third, or, of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, and their adherents, and all other enemies who, either by open or secret attempts, shall disturb or disquiet his majesty in the possession and exercise thereof.

And that all and every person and persons who are enjoined and required to administer, take, or subscribe, the oath of abjuration, and the assurance, in the said above mentioned acts contained, shall respectively administer, take, and subscribe, the oath of abjuration, and subscribe the assurance, according to the form herein set down and prescribed, in such courts, within such time limited, in such manner, and with due observance of the same requisites, and with benefit of the same savings, provisoes, and indemnities, as by the said acts above mentioned, or by any other acts, or any part of them, now subsisting, are directed and enacted; and in case of neglect or refusal, he or they shall be subject and liable to the same penalties and disabilities as, by the laws and statutes aforesaid, are enacted.

II. And be it further enacted by the authority aforesaid, that from and after the first day of *August*, one thousand seven hundred and sixty-six, the same oath of abjuration by this act appointed to be taken in *Great Britain*, shall be the oath of abjuration to be taken in the kingdom of *Ireland*, and the rest of his majesty's dominions, and no other; and that the benefit of the indemnities given by the said first mentioned act of the first year of the reign of his late majesty king *George* the first, shall continue and be in force, as to the said kingdom of *Ireland*, in like manner as if this act had never been made; any thing herein contained to the contrary in anywise notwithstanding.

III. And whereas by an act passed in the seventh year of the reign of her late majesty queen *Anne*, intituled, *an act for improving the union of the two kingdoms*, it is enacted, that from and after

the decease of the person who pretended to be prince of *Wales* during the life of the late king *James*, and, since his decease, pretended to be king of *Great Britain*, and, at the end of the term of three years after the immediate succession to the crown upon the demise of her said late majesty, should take effect, when any person is indicted for high treason, or misprision of treason, a list of the witnesses that shall be produced on the trial for proving the said indictment, and of the jury, mentioning the names, profession, and place of abode, of the said witnesses and jurors, be also given, at the same time that the copy of the indictment is delivered, to the party indicted; and that copies of all indictments for the offences aforesaid, with such lists, shall be delivered to the party indicted ten days before the trial, and in presence of two or more credible witnesses; be it further enacted by the authority aforesaid, that nothing contained in the said recited act, shall any ways extend to any indictment of high treason for counterfeiting his majesty's coin, the great seal or privy seal, his sign manual or privy signet, or to any indictment of high treason, or to any proceedings thereupon against any offender or offenders who, by any act or acts now in force, is and are to be indicted, arraigned, tried, and convicted, by such like evidence, and in such manner, as is used and allowed against offenders for counterfeiting his majesty's coin.

Recited act not to extend to indictments for counterfeiting the coin, privy seal, privy signet, or other indictments of high treason &c.

31 GEORGE 3, CAP. 32.—*An act to relieve, upon conditions, and under restrictions, the persons therein described, from certain penalties and disabilities to which papists, or persons professing the popish religion, are by law subject.*—See Title—"PAPISTS."

32 GEORGE 3, CAP. 63.—*An act for granting relief to pastors, ministers, and lay persons of the episcopal communion in Scotland.*—See Title—"CHURCH, EPISCOPAL, IN SCOTLAND," vol. i. p. 604.

33 GEORGE 3, CAP. 63.—*An act for requiring a certain form of oath of abjuration, and declaration, from his majesty's subjects, professing the Roman Catholic religion, in that part of Great Britain called Scotland.*—See Title—"PAPISTS."

6 GEORGE 4, CAP. 67.—*An act to alter and amend an act passed in the seventh year of the reign of his majesty king James the first, intituled an act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy.*—Whereas an act was passed in the seventh year of the reign of his majesty king *James the first*, intituled *an act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy*: and whereas it is expedient that the said recited act should be altered and amended; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall not henceforth be necessary for any person who is to be naturalized or restored in blood to receive the sacrament of the Lord's supper, as directed by the said act.

7 J. 1, c. 2.

Persons naturalized or restored in blood need not receive the sacrament.

II. And be it further enacted, that if it shall appear to the satisfaction of the house of parliament, in which a bill shall originate for

Proviso as to persons restored in

blood taking
the oaths.

restoring any person in blood, that the person intended by such bill to be so restored in blood is unable from sickness or bodily infirmity, or other sufficient cause, to take the oaths of supremacy and of allegiance in the parliament house, before his or her bill shall be twice read, as directed by the said act, it shall and may be lawful for such house of parliament to receive in lieu thereof sufficient proof, before any such bill shall be twice read, that the said oaths have been taken within one year before a justice of the peace or mayor or other chief magistrate in any county or city or town in *Great Britain or Ireland*, or before one of his majesty's judges or justices in any of his majesty's courts of judicature in the colonies or foreign possessions of his majesty.

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman Catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

OBSERVANCE OF SUNDAYS AND HOLY DAYS.

28 EDWARD 3, CAP. 14.—*In an act, intituled an act for shewing of wools, &c.*—Item, it is accorded and established, that shewing of wools shall be made at the staple every day of the week, except the *Sunday* and solemn feasts of the year.

No wool shall be shewed on Sunday, nor other feasts.

12 RICHARD 2, CAP. 6.—*An act concerning unlawful games.*—Item, it is accorded and assented, that no servant of husbandry, or labourer, nor servant, or artificer, nor of victualler, shall from henceforth bear any buckler, sword, nor dagger, upon forfeiture of the same, but in the time of war for defence of the realm of *England*, and that by the surveying of the arrears for the time being, or travelling by the country with their master, or in their masters message, but such servants and labourers shall have bows and arrows, and use the same the *Sundays* and holy days, and leave all playing at tennis or foot ball, and other games called quoits, dice, casting of the stone, railes, and other such importune games. And that the sheriffs, mayors, bailiffs, and constables, shall have power to arrest, and shall arrest all doers against this statute, and seize the said bucklers, swords, and daggers, and keep them till the sessions of the justices of the peace, and the same present before the same justices in their sessions, together with the names of them that did bear the same.

Labourers and servants shall use only bows and arrows on Sundays and holy days; and leave other games,

upon pain of arrest.

11 HENRY 4, CAP. 4.—*An act against labourers using unlawful games.*—Item, whereas in the statute made at *Canterbury* the twelfth year of the reign of king *Richard*, amongst other things it was accorded and assented, that the servants and labourers of husbandry, and labourers and servants of artificers, and of victuallers, should have bows and arrows, and use the same the *Sundays* and other festival days, and utterly leave playing at the balls, as well hand ball as foot ball, and other games called quoits, dice, bowling, and railes, and other such unthrifty games, and that the sheriffs, mayors, bailiffs, and constables, shall have power to arrest all that do contrary, as in the said statute is more fully contained: our sovereign lord the king will, that the said statute be firmly holden and kept: joined to the same, that every such labourer or servant that doth contrary to the same statute, shall have imprisonment by six days. And the mayors and sheriffs, or the mayors and bailiffs of cities and boroughs, and the constables in other towns, shall have power to put this statute in execution from time to time, and if they do not thereof execution, the same mayors and sheriffs, or mayors and bailiffs aforesaid, shall pay to the king for every default twenty shillings, and the constables or constable of every town that doth not like execution of this statute, shall pay for every their or his default six shillings and four-pence, and that the justices of assizes shall have power to inquire in this case in their sessions from time to time, of them that do contrary to this statute, and thereof to certify in the chancery.

Recital of st. 12 R. 2, c. 6.

Which said statute is further enforced, by an imprisonment of six days,

with penalties upon all officers neglecting their duty.

27 HENRY 6, CAP. 5.—*Certain days wherein fairs and markets ought not to be kept.*—See Title—"FAIRS AND MARKETS," vol. iii. p. 95.

No cord-
wainer shall
sell shoes on
Sundays or
certain holy
days,

upon pain to
forfeit twenty
shillings.

4 EDWARD 4, CAP. 7.—*An act touching cordwainers, &c.*—Item, our sovereign lord the king, by the advice of his lords spiritual and temporal, and at the prayer of the said commons in the said parliament assembled, and by authority of the same, hath ordained and stablished, that no person, cordwainer or cobbler, within the city of *London*, or within three miles of any part of the same city, be he within franchise or without, upon any *Sunday* in the year, or in the feasts of the *Nativity* or *Ascension* of our Lord, or in the feast of *Corpus Christi*, shall sell or command, or to do to be sold any shoes, huseaus, or caloches, or upon the *Sunday*, or any of the said feasts shall set or put upon the feet, or legs of any person, any shoes, huseaus, or caloches, upon pain of forfeiture and loss of twenty shillings sterling, as often and when any person shall do the contrary of this ordinance, or any part of the same. Whereof six shillings and eight-pence shall be had to the king's use, and six shillings and eight-pence, to the use of the governors of the mystery of cordwainers, and the other six shillings and eight-pence, residue of the said twenty shillings, to the use of him that shall find, discover, and prove the breaking of this ordinance. And that every person that will sue for the said forfeiture, shall have an action of debt by writ or plaint at his election, and such process and execution of the same as is had in an action of debt. And that the defendant in the same action be not admitted to wage his law.

Recital of
stat. 4 E. 3,
against sell-
ing shoes on
Sundays and
holy days,

14 & 15 HENRY 8, CAP. 9.—*An act concerning the liberty of cordwainers or shoemakers.*—Praying the commons in this present parliament assembled, that where in the parliament holden at *Westminster* in the fourth year of the reign of the excellent prince, of famous memory, *Edward* the fourth, late king of *England*, your noble grandfather, among other things it was ordained, established, and enacted, that no person, cordwainer of the city of *London*, or within three miles next about the same, upon any *Sunday* of the year, in the feasts of the *Nativity* or *Ascension* of our Lord, or *Corpus Christi*, should sell, command or make to be sold any shoes, boots, or caleges, or upon any of the said *Sundays* or feasts, should put upon the foot or legs of any person or persons, any shoes, boots, or caleges, upon pain to forfeit and lose twenty shillings sterling, as often and whensoever any person should do contrary to the said ordinance or any parcel thereof.

and a repeal
thereof.

And where by the same statute it is ordained and provided, that the same act should not extend to the damage or prejudice, nor in any manner be hurtful or prejudicial to the dean and chapter (for the time being) of the free chapel of the king, of *Saint Martins-le-Grand* of *London*, nor to any person or persons dwelling, abiding, or being within any place or places in *Saint Martins Lane* in *London*, or within any place or places within the precinct, fee, or franchise of the said dean, or of the said dean and chapter: wherefore to the honour of Almighty God, and to the intent that the king's subjects may be hereafter at their liberty, as well as the said inhabitants within the liberties and precinct of the said *Saint Martins-le-Grand*,

be it enacted by the authority of this present parliament, that the said statute made in the parliament holden at *Westminster* in the said fourth year of the reign of king *Edward* the fourth, stand and be from henceforth utterly void and of none effect.

5 ELIZABETH, CAP. 8.—A repeal of the statutes of 14 & 15 *Henry* 8, c. 9.

2 JAMES 1, CAP. 22, SEC. 58.—*An act concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather.*

LVIII. And be it further enacted by the authority aforesaid, that as well one statute made in the fifth year of the reign of our late sovereign lady queen *Elizabeth*, intituled, *an act concerning tanners, curriers, and other artificers occupying cutting of leather*, as all former statutes, and every part or parts of any former statute or statutes thereby repealed, shall from henceforth be utterly repealed for ever. [3 Car. 1, c. 4. Continued until the end of the first session of the next parliament, and further continued by 16 Car. 1, c. 4.]

A repeal of the statute of 5 Eliz. c. 8, and of all former statutes repealed by the same.

1 CHARLES 1, CAP. 1.—*An act for punishing divers abuses committed on the Lord's day, called Sunday.*—Forasmuch as there is nothing more acceptable to God than the true and sincere service and worship of him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been and now is profaned and neglected by a disorderly sort of people in exercising and frequenting bear baiting, bull baiting, interludes, common plays and other unlawful exercises and pastimes upon the Lord's day; and for that many quarrels, bloodsheds and other great inconveniences have grown by the resort and concourse of people going out of their own parishes to such disordered and unlawful exercises and pastimes, neglecting divine service both in their own parishes and elsewhere; be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that from and after forty days next after the end of this session of parliament, there shall be no meetings, assemblies or concourse of people out of their own parishes on the Lord's day, within this realm of *England* or any the dominions thereof, for any sports and pastimes whatsoever; nor any bear baiting, bull baiting, interludes, common plays or other unlawful exercises and pastimes, used by any person or persons within their own parishes; and that every person or persons offending in any the premises, shall forfeit for every offence three shillings four-pence, the same to be employed and converted to the use of the poor of the parish where such offence shall be committed; and that any one justice of the peace of the county or the chief officer or officers of any city, borough or town corporate, where such offence shall be committed, upon his or their view or confession of the party, or proof of any one or more witness by oath, which the said justice or chief officer or officers shall by virtue of this act have authority to minister, shall find any person offending in the premises, the said justice or chief officer or officers shall give warrant under his or their hand and seal, to the constables and churchwardens of the parish or parishes where such offence shall be committed to levy the said penalty so to be assessed, by way of distress and sale

There shall be no assemblies for unlawful pastimes upon the Lord's day, 1 Haw. P. C. ch. 6.

Unlawful meetings and pastimes on the Lord's day forbidden.

Every person using any unlawful pastimes on the Lord's day shall forfeit three shillings and four-pence to the poor of the parish. After conviction by warrant from a justice, &c. the constable &c. may levy the penalty, &c.

General
issue.

Limitation of
the action.

The ecclesi-
astical juris-
diction not
abridged.

A carrier, &c.
that travels
on the Lord's
day shall for-
feit twenty
shillings.
1 Car. 1, c. 1.

Butchers
that sell or
kill victual
upon that
day shall for-
feit six shil-
lings and
eight-pence.

After con-
viction and
by warrant
from a jus-
tice, &c. the
constables,
&c. may levy
the said for-
feitures to
the use of
the poor, or
they may be
recovered by
suit.

of the goods of every such offender, rendering to the said offender the overplus of the money raised of the said goods so to be sold; and in default of such distress that the party offending be set publicly in the stocks by the space of three hours; and that if any man be sued or impeached for execution of this law, he shall and may plead the general issue and give the said matter of justification in evidence: provided, that no man be impeached by this act except he be called in question within one month next after the said offence committed: provided also, that the ecclesiastical jurisdiction within this realm or any the dominions thereof, by virtue of this act or any thing therein contained, shall not be abridged, but that the ecclesiastical court may punish the said offences as if this act had not been made. This act to continue until the end of the first session of the next parliament and no longer. [3 Car. 1, c. 4. continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1, c. 4. and enforced by 29 Car. 2, c. 7.]

3 CHARLES 1, CAP. 2.—*An act for the further reformation of sundry abuses committed on the Lord's day, commonly called Sunday.*—

Forasmuch as the Lord's day commonly called *Sunday*, is much broken and profaned by carriers, waggoners, carters, wainmen, butchers, and drovers of cattle, to the great dishonour of God, and reproach of religion; be it therefore enacted by the king's most excellent majesty, and lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, that no carrier with any horse or horses, nor waggon men with any waggon or waggons, nor carmen with any cart or carts, nor wainman with any wain or wains, nor drovers with any cattle, shall after forty days next after the end of this present session of parliament, by themselves, or any other, travel upon the said day, upon pain that every person and persons so offending shall lose and forfeit twenty shillings for every such offence: or if any butcher, by himself or any other for him by his privity or consent, shall after the end of the said forty days kill or sell any victual upon the said day, that then every such butcher shall forfeit and lose for every such offence the sum of six shillings and eight-pence; the said offences and every of them being done in view of any justice of peace, mayor or other head officer, of any city or town corporate within their limits respectively, or being proved upon oath by two or more witnesses, or by the confession of the party offending, before any such justice, mayor or head officer, within their several limits respectively, wherein such offence shall be committed: to which end every such justice, mayor or head officer, shall have power by this act to minister an oath to such witness or witnesses: all which sums or penalties shall or may be levied by any constable or churchwarden, by warrant from any such justice or justices of the peace, mayor or other head officer, as aforesaid, within their several limits where such offence shall be committed or done, by distress and sale of the offender's goods, rendering to the party the overplus, or shall be recovered by any person or persons that will sue for the same, by bill, plaint or information, in any of his majesty's courts of record, in any city or town corporate, before his majesty's justices of the peace in their general

sessions of the peace: all which forfeitures shall be employed to and for the use of the poor of the parishes where the said offences shall be committed or done, saving only that it shall be lawful to and for any such justice, mayor or head officer, out of the said forfeitures, to reward any such person or persons that shall inform or otherwise prosecute any person or persons offending against this present act, according to their discretions, so that such reward exceed not the third part of the forfeiture: provided that such bill, plaint or information, shall be commenced, sued and prosecuted in the county, city or town corporate, where such offence shall be committed and done, and not elsewhere; wherein no essoin, protection or wager of law shall be allowed to the defendant: provided always, that it shall be lawful for any constable or churchwarden, that shall have any suit or action brought against them for any distress by them or any of them to be taken by force of this present act, to plead the general issue, and to give the special matter in evidence: provided likewise, that no person or persons whatsoever shall be impeached by this act, unless he be thereof questioned within six months after the offence committed: provided further, that this act shall not in any sort abridge or take away the authority of the courts ecclesiastical. This act to continue to the end of the first session of the next parliament.

29 CHARLES 2, CAP. 7.—*An act for the better observation of the Lord's day, commonly called Sunday.*—For the better observation ^{1 Car. 1, c. 1.} and keeping holy the Lord's day, commonly called *Sunday*; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, that all the laws enacted and in force concerning ^{3 Car. 1, c. 1.} the observation of the Lord's day, and repairing to the church thereon, be carefully put in execution; and that all and every person and persons whatsoever, shall on every Lord's day apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion, publicly and privately; and that no tradesman, artificer, workman, labourer or ^{Tradesmen, artificers and labourers.} other person whatsoever, shall do or exercise any worldly labour, business or work of their ordinary callings, upon the Lord's day, or any part thereof (works of necessity and charity only excepted); and that every person being of the age of fourteen years or upwards, offending in the premises, shall for every such offence forfeit the sum of five shillings; and that no person or persons whatsoever, ^{None shall cry or expose to sale wares.} shall publicly cry, shew forth, or expose to sale, any wares, merchandizes, fruit, herbs, goods or chattels whatsoever, upon the Lord's day, or any part thereof, upon pain that every person so offending shall forfeit the same goods so cried or shewed forth, or exposed to sale.

II. And it is further enacted, that no drover, horse courser, ^{Drovers, horse-courers, waggoners, butchers and higlers, boats and barges.} waggoner, butcher, higler, their or any of their servants, shall travel or come into his or their inn or lodging upon the Lord's day or any part thereof, upon pain that each and every such offender shall forfeit twenty shillings for every such offence; and that no person or persons shall use, employ or travel upon the Lord's day with any

Provisions
for coaches by
5 & 6 W. & M.
c. 22, s. 18,
and 9 Anne,
c. 23, s. 20.

In what man-
ner the con-
viction shall
be.

The penalty,
how to be
levied.

In case of in-
sufficiency,
the offender
shall be set
in the stocks.

The forfei-
tures how to
be disposed
of.

A provision
for private
families,
victualling-
houses, &c.

The prose-
cution to be
within ten
days.

The hundred
not responsi-
ble to persons
travelling on
the Lord's
day.

But shall
make fresh
suit after the
offenders.

boat, wherry, lighter or barge, except it be upon extraordinary occasion, to be allowed by some justice of the peace of the county, or head officer, or some justice of the peace of the city, borough or town corporate, where the fact shall be committed; upon pain that every person so offending shall forfeit and lose the sum of five shillings for every such offence. And that if any person offending in any of the premises shall be thereof convicted before any justice of the peace of the county, or the chief officer or officers, or any justice of the peace of or within any city, borough or town corporate, where the said offences shall be committed, upon his or their view, or confession of the party, or proof of any one or more witnesses by oath (which the said justices, chief officer or officers is by this act authorized to administer) the said justice, or chief officer or officers shall give warrant under his or their hand and seal, to the constables or churchwardens of the parish or parishes where such offence shall be committed, to seize the said goods cried, shewed forth or put to sale as aforesaid, and to sell the same, and to levy the said other forfeitures or penalties, by way of distress and sale of the goods of every such offender distrained, rendering to the said offenders the overplus of the monies raised thereby; and in default of such distress, or in case of insufficiency or inability of the said offender to pay the said forfeitures or penalties, that then the party offending be set publicly in the stocks by the space of two hours. And all and singular the forfeitures or penalties aforesaid shall be employed and converted to the use of the poor of the parish where the said offences shall be committed, saving only that it shall and may be lawful to and for any such justice, mayor or head officer or officers, out of the said forfeitures or penalties to reward any person or persons that shall inform of any offence against this act, according to their discretions, so as such reward exceed not the third part of the forfeitures or penalties.

III. Provided, that nothing in this act contained shall extend to the prohibiting of dressing of meat in families, or dressing or selling of meat in inns, cooks' shops or victualling houses, for such as otherwise cannot be provided, nor to the crying or selling of milk before nine of the clock in the morning or after four of the clock in the afternoon.

IV. Provided also, that no person or persons shall be impeached, prosecuted or molested for any offence before mentioned in this act, unless he or they be prosecuted for the same within ten days after the offence committed.

V. Provided, and be it further enacted by the authority aforesaid, that if any person or persons whatsoever which shall travel upon the Lord's day shall be then robbed, that no hundred or the inhabitants thereof shall be charged with or answerable for any robbery so committed, but the person or persons so robbed shall be barred from bringing any action for the said robbery; any law to the contrary notwithstanding: nevertheless, the inhabitants of the counties and hundreds (after notice of any such robbery to them or some of them given, or after hue and cry for the same to be brought) shall make or cause to be made fresh suit and pursuit after the offenders, with horsemen and footmen, according to the statute

made in the twenty-seventh year of the reign of queen *Elizabeth*, 27 Eliz. c. 13. upon pain of forfeiting to the king's majesty, his heirs and successors, as much money as might have been recovered against the hundred by the party robbed if this law had not been made.

VI. Provided also, that no person or persons upon the Lord's day shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree (except in cases of treason, felony or breach of the peace) but that the service of every such writ, process, warrant, order, judgment or decree, shall be void to all intents and purposes whatsoever: and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment or decree at all.

Service of process on the Lord's day shall be void.
Carthew 504.

10 & 11 WILLIAM 3, CAP. 24, SEC. 14.—*An act for making Billingsgate a free market for sale of fish.*

XIV. Provided nevertheless, that nothing in this act contained shall be construed to prohibit the importation of anchovies, sturgeon, botargo, or cavear, nor selling of mackerel before or after divine service on *Sundays*.

Anchovies, sturgeon, &c. not prohibited.

13 GEORGE 3, CAP. 80, SEC. 6.—*An act to repeal an act made in the tenth year of the reign of his present majesty, intituled, an act for the better preservation of the game within that part of Great Britain called England; and for making other provisions in lieu thereof.*

VI. And be it enacted by the authority aforesaid, that from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-three, if any person or persons shall, upon a *Sunday*, or on *Christmas day*, in the day time, knowingly and wilfully take, kill, or destroy any hare, pheasant, partridge, heath game, or moor game, or shall, upon a *Sunday*, or on *Christmas day*, use any gun, dog, net, or engine, for taking, killing, or destroying, any hare, pheasant, partridge, moor game, or heath game; every such person being convicted thereof, in the manner and form prescribed by this act, shall be subject to the like forfeitures and penalties as are hereinbefore enacted to be inflicted for other offences against this act.

Penalties for wilfully killing game, or using a gun on a Sunday or Christmas day.

21 GEORGE 3, CAP. 49.—*An act for preventing certain abuses and profanations on the Lord's day, called Sunday.*—Whereas certain houses, rooms, or places, within the cities of *London* or *Westminster*, or in the neighbourhood thereof, have of late frequently been opened for public entertainment or amusement upon the evening of the Lord's day, commonly called *Sunday*; and at other houses, rooms, or places, within the said cities, or in the neighbourhood thereof, under pretence of inquiring into religious doctrines, and explaining texts of holy scripture, debates have frequently been held on the evening of the Lord's day, concerning divers texts of holy scripture, by persons unlearned and incompetent to explain the same, to the corruption of good morals, and to the great encouragement of irreligion and profaneness; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this present act, any house, room, or other place, which shall be

Preamble;

From the passing of this act, any house, &c. opened for public amusement

or debate, on a Sunday, to which persons shall be admitted by payment of money, &c. shall be deemed a disorderly house; and the keeper thereof shall forfeit £200 for every Sunday the same shall be used as aforesaid. Penalty on the president &c. Door keepers, and servants.

The person who acts as master or mistress in any such house shall be deemed the owner thereof.

Where there are joint-owners, each of them shall be liable to prosecution.

All houses where refreshments are sold at greater prices on Sundays than on other days;

and such as shall be opened for public debate, on Sundays, by subscription, &c. shall be liable to the penalties inflicted by this act.

opened or used for public entertainment or amusement, or for publicly debating on any subject whatsoever, upon any part of the Lord's day called *Sunday*, and to which persons shall be admitted by the payment of money, or by tickets sold for money, shall be deemed a disorderly house or place; and the keeper of such house, room, or place, shall forfeit the sum of two hundred pounds for every day that such house, room, or place, shall be opened or used as aforesaid on the Lord's day, to such person as will sue for the same, and be otherwise punishable as the law directs in cases of disorderly houses: and the person managing or conducting such entertainment or amusement on the Lord's day, or acting as master of the ceremonies there, or as moderator, president, or chairman, of any such meeting for public debate on the Lord's day, shall likewise, for every such offence, forfeit the sum of one hundred pounds to such person as will sue for the same; and every door keeper, servant, or other person, who shall collect or receive money or tickets from persons assembling at such house, room, or place, on the Lord's day, or who shall deliver out tickets for admitting persons to such house, room or place, on the Lord's day, shall also forfeit the sum of fifty pounds to such person as sue for the same.

II. And whereas, by reason of the many subtle and crafty contrivances of persons keeping such houses, rooms, or places as aforesaid, it may often be difficult to prove who is the real owner or keeper thereof; be it enacted by the authority aforesaid, that any person who shall at any time hereafter appear, act, or behave him or herself as master or mistress, or as the person having the care, government, or management of any such house, room, or place as aforesaid, shall be deemed and taken to be the keeper thereof, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in fact the real owner or keeper thereof: and wherever any such house, room, or place, shall belong to or be kept by divers persons in partnership, as joint owners or joint keepers thereof, each and every such joint owner or joint keeper of such house, room, or place, shall be deemed the keeper thereof, and shall be liable to be sued or prosecuted, and punished as such: and any house, room, or place, at which persons shall be supplied with tea, coffee, or any other refreshments of eating or drinking on the Lord's day, at any greater prices than the common and usual prices at which the like refreshments are commonly sold upon other days at such house, room, or place, or at coffee houses, or other houses where the same are usually sold, shall be deemed a house, room, or place, to which persons are admitted by the payment of money, although money be not there taken in the name of or for admittance, or at the time when persons enter into or depart from such house, room, or place; and any house, room, or place, which shall be opened or used for any public entertainment or amusement, or for public debate, on the Lord's day, at the expense of any number of subscribers or contributors to the carrying on any such entertainment or amusement, or debate, on the Lord's day, and to which persons shall be admitted by tickets, to which the subscribers or contributors shall be entitled, shall be deemed a house, room, or place to which persons are admitted by the payment of money, within the meaning of this act.

III. And for the better preventing persons assembling on the Lord's day for such irreligious purposes as aforesaid, be it further enacted by the authority aforesaid, that any person advertising, or causing to be advertised, any public entertainment or amusement, or any public meeting for debating on any subject whatsoever, on the Lord's day, to which persons are to be admitted by the payment of money, or by tickets sold for money, and any person printing or publishing any such advertisement, shall respectively forfeit the sum of fifty pounds for every such offence, to any person who will sue for the same.

Penalty on advertising any such public amusement for Sunday and on printing such advertisement.

IV. And be it further enacted by the authority aforesaid, that any person entitled to either of the aforesaid forfeitures, may sue for the same by action of debt in any of his majesty's courts of record at *Westminster*, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of [being the sum demanded by the said action] being forfeited by an act made in the twenty-first year of the reign of his majesty king *George* the third, intituled *an act for preventing certain abuses and profanations on the Lord's day, called Sunday*; and the plaintiff, if he recover in any such action, shall have his full costs.

Penalties how to be recovered.

V. Provided, that no action shall be brought for either of the said penalties by this act imposed, unless the same be brought within six calendar months next after the offence committed.

Actions to be brought within six months.

VI. Provided also, that if any action or suit shall be brought against any person for any thing done in pursuance and in execution of this act, the defendant may plead the general issue; and if a verdict pass for the defendant, or the plaintiff discontinue his or her action, or be nonsuited, or judgment be given against the plaintiff, then such defendant shall have treble costs.

Persons sued in execution of this act, may plead the general issue, and recover treble costs.

VII. Provided also, that the ecclesiastical jurisdiction within this realm shall not by this act be altered or abridged; but that the ecclesiastical courts may punish the said offences, as if this act had not been made.

This act not to affect the ecclesiastical jurisdiction;

VIII. Provided also, that nothing in this act contained shall be construed to extend to take away, alter, or abridge, any of the liberties or immunities to which the protestant subjects of this kingdom are entitled, by an act made in the first year of the reign of king *William* and queen *Mary*, intituled *an act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws*.

nor the toleration act of 1 Gul & Mar.

34 GEORGE 3, CAP. 61.—*An act for the better observation of the Lord's day, by persons exercising the trade of bakers*.—Whereas many persons exercising the trade of bakers do, under pretence of being employed in works of necessity or charity, carry on their trade or calling on the Lord's day, and are employed therein during a much greater part thereof than is requisite for such purposes; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no master baker, journeyman baker, or other person carrying on the business of a baker in the city of *London*, or within twelve miles of the said city, shall on any pretence whatsoever,

No baker in London, &c. to work on Sunday, except as herein mentioned on penalty of ten shillings.

on the Lord's day to be held on the Saturday next preceding, or on the Monday next ensuing.—Whereas the profanation of the Lord's day is greatly increased by reason of certain meetings which are usually or occasionally held thereon: and whereas it is the duty of the legislature to remove as much as possible impediments to the due observance of the Lord's day; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every meeting or adjourned meeting of any vestry or corporation, whether ecclesiastical or civil, or of any public company, for the nomination, election, appointment, swearing in, or admission of any officer or officers, or for the transaction of any other secular affair of such vestry, corporation, or company, and every other meeting of a public and secular nature, which, according to any act of parliament, or according to any charter, grant, constitution, deed, testament, law, prescription, or usage whatsoever, is or shall be required to be held on any Lord's day, or on any day which shall happen to be on a Lord's day, shall be held on the *Saturday* next preceding or on the *Monday* next ensuing, at the like hour, with like form and effect, as if the same had been held on such Lord's day; and every matter transacted at any such meeting or adjourned meeting held upon any Lord's day shall be absolutely void and of none effect, to all intents and purposes whatsoever: provided always, that when no such nomination, election, appointment, swearing in, or admission shall have taken place on such *Saturday*, every person whose term of office would, according to any such act, charter, grant, constitution, deed, testament, law, prescription, or usage, have expired on any such Lord's day, shall continue in office, and exercise and enjoy all the powers and privileges annexed or relating to such office, until and on such *Monday* next ensuing, in the same manner as if such *Monday* had been the customary day of nomination, election, appointment, swearing in, or admission.

Elections of officers of corporations and other public companies now required to be held on a Sunday shall be held on the Saturday preceding or the Monday following.

If election does not take place on the Saturday the person holding the office to continue so to do until the Monday.

II. And be it further enacted, that whenever the nomination, election, appointment, swearing in, or admission of any such officer or officers as before mentioned shall not take place on such *Saturday* or *Monday*, or shall become void, the case shall be and is hereby declared to be within the provisions of an act made and passed in the eleventh year of his late majesty king *George* the first, intituled *an act for preventing the inconveniences arising for want of elections of mayors or other chief magistrates of boroughs or corporations being made upon the days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made, as fully and effectually as if such officer or officers had been expressly named in the said act.*

Elections not made on such Saturday or Monday shall be taken to be within the provisions of 11 Geo. 1, c. 4.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PAPISTS.

29 ELIZABETH, CAP. 6.—*An act for the more speedy and due execution of certain branches of the statute made in the twenty-third year of the queen's majesty's reign, intituled, an act to retain the queen's majesty's subjects in their due obedience.*—See Title—"BULLS FROM ROME," vol. i. p. 361.

35 ELIZABETH, CAP. 1.—*An act to retain the queen's majesty's subjects in their due obedience.*—See Title—"BULLS FROM ROME," vol. i. p. 364.

35 ELIZABETH, CAP. 2.—*An act for restraining popish recusants to some certain places of abode.*—For the better discovering and avoiding of such traitorous and most dangerous conspiracies and attempts as are daily devised and practised against our most gracious sovereign lady the queen's majesty and the happy estate of this common weal, by sundry wicked and seditious persons, who terming themselves catholics, and being indeed spies and intelligencers, not only for her majesty's foreign enemies, but also for rebellious and traitorous subjects born within her highness' realms and dominions, and hiding their most detestable and devilish purposes under a false pretext of religion and conscience, do secretly wander and shift from place to place within this realm, to corrupt and seduce her majesty's subjects, and to stir them to sedition and rebellion :

Penalty of a convicted popish recusant removing above five miles from his house. Where a recusant having no house shall make his abode. 3 Bulstr. 87. Carthew 291.

II. Be it ordained and enacted by our sovereign lady the queen's majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that every person above the age of sixteen years, born within any of the queen's majesty's realms and dominions, or made denizen, being a popish recusant, and before the end of this session of parliament convicted for not repairing to some church, chapel or usual place of common prayer, to hear divine service there, but forbearing the same, contrary to the tenor of the laws and statutes heretofore made and provided in that behalf, and having any certain place of dwelling and abode within this realm, shall within forty days next after the end of this session of parliament (if they be within this realm, and not restrained or staid either by imprisonment, or by her majesty's commandment, or by order and direction of some six or more of the privy council, or by such sickness and infirmity of body, as they shall not be able to travel without imminent danger of life, and in such cases of absence out of the realm, restraint or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of dwelling where they usually heretofore made their common abode, and shall not at any time after pass or remove above five miles from thence.

III. And also that every person being above the age of sixteen years, born within any her majesty's realms or dominions, or made denizen, and having, or which hereafter shall have, any certain place of dwelling and abode within this realm, which being then a popish

Recusants that shall be convicted hereafter shall repair to their usual dwelling.

The penalty
of an offend-
er.

What a recu-
sant shall do
that hath no
place of
abode.

The forfei-
ture of a
recusant
removing
above five
miles from
his place of
abode.

A recusant
copyholder
departing
five miles
from his
place of
abode.

recusant, shall at any time hereafter be lawfully convicted for not repairing to some church, chapel or usual place of common prayer to hear divine service there, but forbearing the same contrary to the said laws and statutes, and being within this realm at the time that they shall be convicted, shall within forty days next after the same conviction (if they be not restrained or staid by imprisonment or otherwise, as is aforesaid, and in such cases of restraint and stay, then within twenty days next after they shall be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of usual dwelling and abode, and shall not at any time after pass or remove above five miles from thence; upon pain that every person and persons that shall offend against the tenor and intent of this act in any thing before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also lose and forfeit to the queen's majesty all the lands, tenements and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same offender.

IV. And be it also enacted by the authority aforesaid, that every person above the age of sixteen years, born within any her majesty's realms or dominions, not having any certain place of dwelling and abode within this realm, and being a popish recusant, not usually repairing to some church, chapel or usual place of common prayer, but forbearing the same contrary to the same laws and statutes in that behalf made, shall within forty days next after the end of this session of parliament (if they be then within this realm, and not imprisoned, restrained or staid as aforesaid, and in such case of absence out of the realm, imprisonment, restraint or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to the place where such person was born, or where the father or mother of such person shall then be dwelling, and shall not at any time after remove or pass above five miles from thence; upon pain that every person and persons which shall offend against the tenor and intent of this act in any thing before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the queen's majesty all the lands, tenements and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same person.

V. And be it further enacted by the authority aforesaid, that every such offender as is before mentioned, which hath or shall have any lands, tenements or hereditaments, by copy of court roll, or by any other customary tenure at the will of the Lord, according to the custom of any manor, shall forfeit all and singular his and their said lands, tenements and hereditaments so holden by copy of court roll or customary tenure, as aforesaid, for and during the life of such offender (if his or her estate so long continue) to the lord or lords of whom the same be immediately holden, if the same lord or lords be not then a popish recusant, and convicted for not coming to church to hear divine service, but forbearing the same contrary to the laws and statutes aforesaid, nor seized or possessed upon trust, to the use or behoof of any such recusant as aforesaid, and in such case the same forfeiture to be to the queen's majesty.

VI. Provided always, and be it further enacted by the authority aforesaid, that all such persons as by the intent and true meaning of this act are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their father or mother shall be dwelling, and not to remove or pass above five miles from thence as is aforesaid, shall within twenty days next after their coming to any of the said places (as the case shall happen) notify their coming thither, and present themselves, and deliver their true names in writing, to the minister or curate of the same parish, and to the constable, headborough or tithingman of the town, and thereupon the said minister or curate shall presently enter the same into a book to be kept in every parish for that purpose.

Recusants shall notify their living, and deliver their names to the curate.

VII. And afterward the said minister or curate, and the said constable, headborough or tithingman, shall certify the same in writing to the justices of the peace of the same county at the next general or quarter sessions to be holden in the same county, and the said justices shall cause the same to be entered by the clerk of the peace in the rolls of the same sessions.

Recusants' names certified to the justices.

VIII. And to the end that the realm be not pestered and overcharged with the multitude of such seditious and dangerous people as is aforesaid, who having little or no ability to answer or satisfy any competent penalty for their contempt and disobedience of the said laws and statutes, and being committed to prison for the same, do live for the most part in better case there, than they could if they were abroad at their own liberty; the lords spiritual and temporal, and the commons, in this present parliament assembled, do most humbly and instantly beseech the queen's majesty, that it may be further enacted, that if any such person or persons, being a popish recusant (not being a *feme covert*, and not having lands, tenements, rents or annuities, of an absolute estate of inheritance or freehold, of the clear yearly value of twenty marks, above all charges, to their own use and behoof, and not upon any secret trust or confidence for any other, or goods and chattels in their own right, and to their own proper use and behoof, and not upon any such secret trust and confidence for any other, above the value of forty pounds) shall not within the time before in this act in that behalf limited and appointed, repair to their place of usual dwelling and abode, if they have any, or else to the place where they were born, or where their father or mother shall be dwelling, according to the tenor and intent of this present act; and thereupon notify their coming, and present themselves, and deliver their true names in writing to the minister or curate of the parish, and to the constable, headborough or tithingman of the town, within such time, and in such manner and form as is aforesaid; or at any time after such their repairing to any such place as is before appointed, shall pass or remove above five miles from the same; and shall not within three months next after such person shall be apprehended or taken for offending as is aforesaid, conform themselves to the obedience of the laws and statutes of this realm, in coming usually to the church to hear divine service, and in making such public confession and submission, as hereafter in this act is appointed and expressed, being thereunto required by the

The penalty of a recusant of small ability not repairing to the place appointed, or departing thence.

Recusants
abjuring and
departing
the realm.

bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned or required by any two justices of the peace, or coroner of the same county where such offenders shall then be, shall upon his or their corporal oath before any two justices of the peace, or coroner of the same county, abjure this realm of *England*, and all other the queen's majesty's dominions for ever; and thereupon shall depart out of this realm at such haven and port, and within such time, as shall in that behalf be assigned and appointed by the said justices of peace or coroner, before whom such abjuration shall be made, unless the same offenders be letted or staid by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requireth in case of abjuration for felony as is aforesaid.

Entering
abjuration of
record, and
certifying
the same.

IX. And that every justice of peace or coroner before whom any such abjuration shall happen to be made as is aforesaid, shall cause the same presently to be entered of record before them, and shall certify the same to the justices of assizes or gaol delivery of the said county, at the next assizes or gaol delivery to be holden in the same county.

It shall be
felony for a
recusant not
to abjure, not
going or re-
turning
without li-
cence.

X. And if any such offender, which by the tenor and intent of this act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present act, or after such his departure shall return or come again into any her majesty's realms or dominions, without her majesty's special licence in that behalf first had and obtained; that then in every such case the person so offending shall be adjudged a felon, and shall suffer and lose as in case of felony without benefit of clergy.

A jesuit or
priest refus-
ing to answer
shall be im-
prisoned.
1 Salk. 351.

XI. And be it further enacted and ordained by the authority aforesaid, that if any person which shall be suspected to be a jesuit, seminary or massing priest, being examined by any person having lawful authority in that behalf to examine such person which shall be so suspected, shall refuse to answer directly and truly whether he be a jesuit, or a seminary or massing priest, as is aforesaid, every such person so refusing to answer shall for his disobedience and contempt in that behalf, be committed to prison by such as shall examine him as is aforesaid, and thereupon shall remain and continue in prison without bail or mainprize, until he shall make direct and true answer to the said questions whereupon he shall be so examined.

Licence to
travel above
five miles.
Repealed by
3 Jac. 1, c. 5,
s. 6.

XII. Provided nevertheless, and be it further enacted by the authority aforesaid, that if any of the persons which are hereby limited and appointed to continue and abide within five miles of their usual dwelling place, or of such place where they were born, or where their father or mother shall be dwelling as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles; that then and in every such case,

upon licence in that behalf to be gotten under the hands of two of the justices of the peace of the same county, with the privy and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy lieutenant of the same county, under their hands, it shall and may be lawful for every such person to go and travel about such their necessary business, and for such time only for their travelling, attending and returning, as shall be comprised in the same licence; any thing before in this act to the contrary notwithstanding.

XIII. Provided also, that if any such person so restrained as is aforesaid, shall be urged by process, without fraud or covin, or be bounden without fraud or covin, to make appearance in any of her majesty's courts, or shall be sent for, commanded or required by any three or more of her majesty's privy council, or by any four or more of any commissioners to be in that behalf nominated and assigned by her majesty, to make appearance before her majesty's said council or commissioners; that in every such case, every such person so bounden, urged, commanded or required to make such appearance, shall not incur any pain, forfeiture or loss for travelling to make appearance accordingly, nor for his abode concerning the same, nor for convenient time for his return back again upon the same.

Persons urged by process or commandment.

XIV. And be it further provided and enacted by the authority aforesaid, that if any such person or persons so restrained as is aforesaid, shall be bound, or ought to yield and render their bodies to the sheriff of the county where they shall happen to be, upon proclamation in that behalf without fraud or covin to be made; that then in every such case, every person which shall be so bounden, or ought to yield and render their body as aforesaid, shall not incur any pain, forfeiture or loss for travelling for that intent and purpose only, without any fraud or covin, nor for convenient time taken for the return back again upon the same.

Persons which are to yield their bodies to the sheriff.

XV. And furthermore be it enacted by the authority of this present parliament, that if any person or persons that shall at any time hereafter offend against this act, shall before he or they shall be thereof convicted, come to some parish church on some *Sunday* or other festival day, and then and there hear divine service, and at service time, before the sermon, or reading of the gospel, make public and open submission and declaration of his and their conformity to her majesty's laws and statutes, as hereafter in this act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every pains and forfeitures inflicted or imposed by this act for any of the said offences in this act contained: the same submission to be made as hereafter followeth: that is to say,

An offender upon open submission shall be discharged.

XVI. **I** *A. B.* do humbly confess and acknowledge, that I have grievously offended God in contemning her majesty's godly and lawful government and authority, by absenting myself from church, and from hearing divine service, contrary to the godly laws and statutes of this realm: and I am heartily sorry for the same, and do acknowledge and testify in my conscience, that the bishop or see of *Rome* hath not, nor ought to have, any power or authority

The form of the submission.

over her majesty, or within any her majesty's realms or dominions, and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her majesty's laws and statutes, in repairing to the church, and hearing divine service, and do my uttermost endeavour to maintain and defend the same.

The minister
shall enter
the submis-
sion.

XVII. And that every minister or curate of every parish, where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days then next following shall certify the same in writing to the bishop of the same diocese.

A recusant
submitting,
falleth into
a relapse.
1 Bulstr. 133.

XVIII. Provided nevertheless, that if any such offender, after such submission made as is aforesaid, shall afterward fall into relapse or eftsoons become a recusant, in not repairing to church to hear divine service, but shall forbear the same, contrary to the laws and statutes in that behalf made and provided; that then every such offender shall lose all such benefit as he or she might otherwise by virtue of this act have or enjoy by reason of their said submission; and shall thereupon stand and remain in such plight, condition and degree, to all intents, as though such submission had never been made.

Women
bound, sav-
ing for abju-
ration.
Bridgman
120.

XIX. Provided always, and be it enacted by the authority aforesaid, that all and every woman married, or hereafter to be married, shall be bound by all and every article, branch and matter contained in this statute, other than the branch and article of abjuration before mentioned: and that no such woman married, or to be married, during marriage, shall be in anywise forced or compelled to abjure, or be abjured, by virtue of this act; any thing therein contained to the contrary thereof notwithstanding.

39 ELIZABETH, CAP. 18, SECS. 26, 33, & 41.—*An act for the reviving, continuance, explanation, perfecting and repealing of divers statutes.*

Pope.
35 Eliz. c. 1.

XXVI. And where in the parliament holden at *Westminster* the nineteenth day of *February* in the thirty-fifth year of her majesty's reign that now is, there was an act made, intituled *an act to retain the queen's majesty's subjects in their due obedience.*

XXXIII. And forasmuch as the branches, clauses and provisions contained and specified in the said two several acts of continuance made in the fourteenth and seven and twentieth years of her majesty's reign, in addition, alteration, explanation, perfecting and enlarging of divers the said statutes, and other statutes, and all the residue of the said recited acts and statutes; except the said three several statutes before, hereby made perpetual:

Merchants.
23 Eliz. c. 7.
Poor.
35 Eliz. c. 4.

XLI. And the said act made for the necessary relief of soldiers and mariners, do seem good and beneficial to the weal and profit of this realm: be it enacted by the authority of this present parliament, that the said branches, clauses and provisions of the said two acts of continuance, and the residue of the said recited statutes and acts, except before excepted, and every of them, shall be by authority of this present parliament revived, continued, and endure in force and effect until the end of the next parliament next ensuing.

43 ELIZABETH, CAP. 9, SECS. 18 & 27.—*An act for continuance of divers statutes, and for repeal of some others.*

XVIII. Be it enacted, that three acts made in the five and thirtieth year of her majesty's reign, one intituled an act to retain the queen's majesty's subjects in their due obedience; Pope.
35 Eliz. c. 1.

XXVII. shall be continued and remain in force until the end of the first session of the next parliament.

2 JAMES 1, CAP. 4.—*An act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.*—See Title—"JESUITS," vol iii. p. 211.

3 JAMES 1, CAP. 4.—*An act for the better discovering and repressing of popish recusants.*—Forasmuch as it is found by daily experience, that many his majesty's subjects that adhere in their hearts to the popish religion, by the infection drawn from thence, and by the wicked and devilish counsel of jesuits, seminaries, and other like persons dangerous to the church and state, are so far perverted in the point of their loyalties and due allegiance unto the king's majesty, and the crown of *England*, as they are ready to entertain and execute any treasonable conspiracies and practices, as evidently appears by that more than barbarous and horrible attempt to have blown up with gunpowder the king, queen, prince, lords and commons in the house of parliament assembled, tending to the utter subversion of the whole state, lately undertaken by the instigation of jesuits and seminaries, and in advancement of their religion, by their scholars taught and instructed by them to that purpose, which attempt by the only goodness of Almighty God was discovered and defeated: and where divers persons popishly affected, do nevertheless, the better to cover and hide their false hearts, and with the more safety to attend the opportunity to execute their mischievous designs, repair sometimes to church, to escape the penalty of the laws in that behalf provided: Some popish-
ly affected do
repair to the
church.

II. For the better discovery therefore of such persons, and their evil affections to the king's majesty, and the state of this his realm, to the end that being known, their evil purposes may be the better prevented; be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that every popish recusant convicted, or hereafter to be convicted, which heretofore hath conformed him or herself, or which shall hereafter conform him or herself, and repair to the church, and continue there during the time of divine service, according to the laws and statutes in that behalf made and provided, shall within the first year next after the end of this session of parliament (if he or she be conformed, as aforesaid, before the end of this session of parliament) or within the first year next after that he or she shall after this session of parliament so conform him or herself, and repair to church, as aforesaid, and after the said first year, shall once in every year following at the least, receive the blessed sacrament of the Lord's supper in the church of that parish where he or she shall most usually abide or be within the said year, wherein by the true meaning of this statute he or she ought so to receive: 1 Haw. P. C.
ch. 12.
Burn v. 2—
309, &c.

1 Eliz. c. 1.
5 Eliz. c. 1.
13 Eliz. c. 2.
23 Eliz. c. 1.
27 Eliz. c. 2.
29 Eliz. c. 6.
35 Eliz. c. 1
& 2.

III. And if there be no such parish church, then in the church next adjoining to the place of his or her such most usual abode:

The forfeiture of a conformed recusant which doth not receive the sacrament of the Lord's supper yearly.
Cro. Jac. 365.

and if any recusant so conformed shall not receive the said sacrament of the Lord's supper accordingly, he or she shall for such not receiving lose and forfeit for the first year, twenty pounds, and for the second year for such not receiving, forty pounds, and for every year after for such not receiving, threescore pounds, until he or she shall have received the said sacrament, as is aforesaid: and if after he or she shall have received the said sacrament, as is aforesaid, and after shall eftsoons at any time offend in not receiving the said sacrament, as is aforesaid, by the space of one whole year, that in every such case such person so offending shall for every such offence lose and forfeit threescore pounds of lawful *English* money; the one moiety to be to our sovereign lord the king's majesty, his heirs and successors, and the other moiety to him that will sue for the same; and to be recovered in any of the king's courts of record at *Westminster*, or before justices of assize or general gaol delivery, or before justices of the peace at their general quarter sessions, by action of debt, bill, plaint, or information, wherein no essoin, protection or wager of law shall be allowed.

Presenting the monthly absence from church of a recusant.
1 Shower 309.
Cro. Car. 504.

IV. And be it further enacted by the authority of this present parliament, that the churchwardens and constables of every town, parish or chapel, for the time being, or some one of them, or if there be none such, then the chief constables of the hundred where such town, parish or chapel is or shall be, or one of them, as well in places exempt as not exempt, shall once in every year present the monthly absence from church of all and all manner of popish recusants within such towns and parishes; and shall present the names of every of the children of the said recusants, being of the age of nine years and upwards, abiding with their said parents, and as near as they can the age of every of the said children, as also the names of the servants of such recusants, at the general or quarter sessions of that shire, limit, division, or liberty.

A recusant's children and servants.

The presentments recorded.

V. And be it further enacted by the authority aforesaid, that all such presentments shall be accepted, entered and recorded in the said sessions by the clerk of the peace, or town clerk for the time being, or his deputy, without any fee to be had, asked or taken for the same: and in default of such presentment to be made, the said churchwardens, constables, or high constables respectively, shall for every such default forfeit twenty shillings: and in default of such accepting, entering and recording without fee, as aforesaid, the said clerk of the peace or town clerk shall for every such offence forfeit and lose forty shillings.

The reward of the church wardens and constables.

VI. And that upon every presentment of such monthly absence as aforesaid, whereupon such party so presented shall after happen to be indicted and convicted, (not being for the same absence before presented) then the said churchwardens, constables or high constables respectively so making such presentments, shall have a reward of forty shillings; to be levied out of the recusant's goods and estate, in such manner and form as by the more part of the said justices shall be by warrant under their hands and seals then and there ordered and appointed.

What officers shall inquire of offenders.

VII. And be it further enacted by the authority aforesaid, that the justices of assize and gaol delivery at their assizes, and the said

justices of peace at any of their said sessions, shall have power and authority by virtue of this act to inquire, hear and determine of all recusants and offences, as well for not receiving the sacrament aforesaid, according to the meaning of this law, as for not repairing to church, according to the meaning of former laws, in such manner and form as the said justices of assize and gaol delivery do or may now do by former laws, in the case of recusancy for not repairing to church; and also shall have power at their said assizes and gaol delivery, and at the sessions (in which any indictment against any person, either for not repairing to church according to former laws, or not receiving the said sacrament according to this law, shall be taken) to make proclamation, by which it shall be commanded, that the body of every such offender shall be rendered to the sheriff of the same county, or bailiff, or other keeper of the gaol of the liberty, before the next assizes and general gaol delivery, or before the next general or quarter sessions respectively to be holden for the said shire, limit, division, or liberty: and if at the said next assizes and general gaol delivery or sessions, the same offender so proclaimed shall not make appearance of record, that then upon every such default recorded, the same shall be as sufficient a conviction in law of the said offence whereof the party shall stand indicted as aforesaid, as if upon the same indictment a trial by verdict thereupon had proceeded, and been found against him or her, and recorded.

The effect
of the pro-
clamation.

Conviction
of a recusant

VIII. And be it further enacted, that every offender in not repairing to divine service, but forbearing the same, contrary to the statutes in that behalf made and provided, that hereafter shall fortune to be thereof once convicted, shall in such of the terms of *Easter* and *Michaelmas* as shall be next after such conviction, pay into the receipt of the exchequer after the rate of twenty pounds for every month which shall be contained in the indictment whereupon such conviction shall be; and shall also for every month after such conviction, without any other indictment or conviction, forfeit twenty pounds, and pay into the receipt of the exchequer aforesaid, at two times in the year, that is to say, in every *Easter* and *Michaelmas* term, as much as then shall remain unpaid, after the rate of twenty pounds for every month after such conviction; except in such cases where the king shall and may by force of this act refuse the same, and take two parts of the lands, tenements, hereditaments, leases and farms of such offender, till the said party being indicted for not coming to church, contrary to former laws, shall conform himself and come to church, according to the meaning of the statute in that behalf made and provided.

The penalty
of a convict-
ed recusant.

29 Eliz. c. 6.

IX. And that every conviction recorded for any offence before mentioned, shall from the justices before whom the record of such conviction shall be remaining, be certified into the king's majesty's court of exchequer, before the end of the term following such conviction, in such convenient certainty for the time and other circumstances, as the court of exchequer may thereupon award out process for the seizure of the lands and goods of every such offender, as the case shall require: and if default shall be made in any part of any payment aforesaid, contrary to the form herein before limited, that then and so often the king's majesty, his heirs and successors, shall

Every con-
viction shall
be certified
into the ex-
chequer.

and may by process out of the said exchequer, take, seize and enjoy all the goods, and two parts as well of all the lands, tenements and hereditaments, leases and farms of such offender, as of all other the lands, tenements and hereditaments liable to such seizure, or to the penalties aforesaid, by the true meaning of this act, leaving the third part only of the same lands, tenements and hereditaments, leases and farms, to and for the maintenance and relief of the said offender, his wife, children and family.

The stat. of
23 Eliz. c. 1,
touching a
recusant's
monthly for-
feiture.

1 Eliz. c. 2.

X. And whereas by an act made in the session of parliament holden by prorogation at *Westminster* in the three and twentieth year of the reign of the late queen *Elizabeth*, intituled, *an act to retain the subjects of the said late queen in their due obedience*, it was amongst other things enacted by authority of the said parliament, that every person above the age of sixteen years, which should not repair to some church, chapel, or usual place of common prayer, but forbear the same contrary to the tenor of a statute made in the first year of the reign of the said late queen, for uniformity of common prayer, and being thereof lawfully convicted, should forfeit to the said queen, for every month after the end of the session of parliament which he or she should so forbear, twenty pounds of lawful *English* money, as in and by the said act of parliament more at large appeareth.

How by the
statute of
29 Eliz. c. 6,
the queen
should re-
cover forfei-
tures due to
her by recu-
sants.

XI. And whereas afterwards by another act of parliament of the said queen, it was further enacted by the authority of the said parliament (amongst other things) how and when the said payments of the said twenty pounds should be made, and that if default should be made in any part of any payment of the said twenty pounds, contrary to the form in the said last specified statute limited, that then and so often the said queen should and might by process out of her highness' exchequer take, seize and enjoy all the goods, and two parts as well of all the lands, tenements and hereditaments, leases and farms of such offender, as of all other the lands, tenements and hereditaments liable to such seizure or to the penalties aforesaid, by the true meaning of the said act of parliament, leaving the third part only of the same lands, tenements and hereditaments, leases and farms, to and for the maintenance and relief of the same offender, his wife, children and family, as in and by the last specified statute more at large also may appear: now forasmuch as the said penalty of twenty pounds monthly is a greater burden unto men of small living, than unto such as are of better ability, and do refuse to come unto divine service, as aforesaid, who rather than they will have two parts of their lands to be seized, will be ready always to pay the said twenty pounds according to the limitation of the said statutes, and yet retain the residue of their livings and inheritance in their own hands, being of great yearly value, which they do for the most part employ (as experience hath taught) to the maintenance of superstition and popish religion, and to the relief of jesuits, seminaries, popish priests, and other dangerous persons to the state; therefore to the intent that hereafter the penalty for not repairing to divine service might be inflicted in better proportion upon men of great ability; be it enacted by the authority of this present parliament, that the king's majesty, his heirs and successors, shall from

The king
may refuse
£20 a month,

and after the feast of *Saint Michael* the archangel next coming after the end of this session of parliament, have full power and liberty to refuse the penalty of twenty pounds a month, though it be tendered ready to be paid according to the law, and thereupon to seize and take to his own use, and the uses, intents and purposes hereafter limited, two parts in three parts to be divided, as well of all the lands, tenements and hereditaments, leases and farms that at the time of such seizure shall be, or afterwards shall come to any the said offenders in not coming to church, or any other to his or her use, or in trust for him or her, or at his or her disposition, or whereby or wherewith, or in consideration whereof, such offender or his family, or any of them, shall be relieved, maintained or kept, as of all other lands, tenements and hereditaments in anywise or at any time liable to such seizure, or to the penalties aforesaid, and the same to retain to his own and other uses, intents and purposes hereafter in this act appointed, till every such offender shall conform him or herself respectively, as aforesaid, in lieu and full recompence of the twenty pounds monthly, that, during his such seizure and retainer, shall incur; any thing in the said statutes, or any of them, or any other statute, to the contrary in anywise notwithstanding: saving to our sovereign lord the king's majesty, his heirs and successors, and all and every person and persons, bodies politic and corporate, their heirs and successors, (other than the said offender, his or her heirs, and all claiming to his or their use, or in trust for him or them, or at his or their will or disposition) all and all manner of leases, rents, conditions, and other rights and titles whatsoever had, made and done, *bona fide*, and without fraud and covin, before such seizure.

and take two parts of a recusant's lands. Lane 106. Godbolt 216, pl. 309.

Saving the right of others.

XII. Provided always, and be it enacted by the authority aforesaid, that the king's majesty, his heirs and successors, shall not take into his two parts, but leave to such offender his chief mansion house, as part of his third part, and shall not demise, lease nor put over the said two parts, nor any part thereof, to any recusant, nor to or for the use of any recusant: and that whosoever shall take the same in lease, or otherwise, of his majesty, his heirs and successors, shall give such security not to commit, nor suffer waste to be committed, in or upon any the said premises, as by the court of exchequer shall be allowed sufficient.

A recusant's mansion house shall be reserved to him.

The king's two parts shall not be demised to a recusant.

XIII. And for the better trial how his majesty's subjects stand affected in point of their loyalty and due obedience; be it also enacted by the authority aforesaid, that from and after the end of this present session of parliament, it shall be lawful to and for any bishop in his diocese, or any two justices of peace, whereof one of them to be of the *quorum*, within the limits of their jurisdiction, out of the sessions, to require any person of the age of eighteen years or above, being or which shall be convict or indicted of or for any recusancy, other than noblemen or noblewomen, for not repairing to divine service, according to the laws of this realm; or which shall not have received the said sacrament twice within the year then next past, noblemen and noblewomen excepted; or any person passing in or through the country, shire or liberty, and unknown, except as is last before excepted, that being examined by them upon oath shall confess or not deny himself or herself to be a recusant, or shall

Who are compellable to take the oath.

Certificate of
the name of
him who tak-
eth the oath.

confess or not deny that he or she had not received the said sacrament twice within the year then last past, to take the oath hereafter following upon the holy evangelists: which said bishop or two justices of the peace, shall certify in writing subscribed with his or their hands at the next general or quarter sessions for that shire, limit, division or liberty, within which the said oath shall be so taken, the christian name, surname, and place of abode of every person which shall so take the said oath; which certificate shall be there recorded by the clerk of the peace or town clerk, and kept amongst the records of the said sessions.

Refusal of
the oath.
1 Bulstr. 199.

XIV. And be it further enacted, that if any such person or persons, other than noblemen or noblewomen, shall refuse to answer upon oath to such bishop or justices of peace examining him or her, as aforesaid, or to take the said oath so duly tendered unto him or her by such bishop, or two such justices of peace, out of sessions, that then the said bishop or justices of peace shall and may commit the same person to the common gaol, there to remain without bail or mainprize until the next assize or general or quarter sessions to be holden for the said shire, division, limit or liberty; where the said oath shall be again in the said open assizes or sessions required of such person, by the said justices of assize or justices of peace then and there present, or the greater number of them: and if the said person or persons, or any other person whatsoever, other than noblemen or noblewomen, of the age of eighteen years or above, shall refuse to take the said oath being tendered unto him or her by the justices of assize and gaol delivery in their open assizes, or the justices of peace, or the greater part of them, in their said general or quarter sessions, every person so refusing shall incur the danger and penalty of *premunire*, mentioned in the statute of *premunire*, made in the sixteenth year of the reign of king *Richard* the second; except women covert, who, upon refusal of the said oath shall be by the said justices of assize in their open assize, or justices of peace in their general or quarter sessions, for the said offence committed only to the common gaol, there to remain without bail or mainprize, till they will take the said oath.

The penalty
of *premunire*

16 R. 2, c. 5.
Women
covert.

The tenor of which oath hereafter followeth:

The form of
the oath of
obedience.

XV. **I** *A. B.* do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our sovereign lord king *James* is lawful and rightful king of this realm, and of all other his majesty's dominions and countries; and that the pope neither of himself nor by any authority of the church or see of *Rome*, or by any other means with any other hath any power or authority to depose the king, or to dispose any of his majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his majesty, or to give licence or leave to any of them to bear arms, raise tumults or to offer any violence or hurt to his majesty's royal person, state or government, or to any of his majesty's subjects, within his majesty's dominions.

Abolished by
1 W. & M.
sess. 1, c. 8,
sec. 2.

(2.) Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication, or deprivation made or granted, or to be made or granted, by the pope or his successors, or by any authority derived or pretended to be derived from him or his see against the said king, his heirs or successors, or any absolution of the said subjects from their obedience; I will bear faith and true allegiance to his majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known unto his majesty, his heirs and successors, all treasons and traitorous conspiracies which I shall know or hear of to be against him or any of them.

(3.) And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the pope, may be deposed or murdered by their subjects, or any other whatsoever.

(4.) And I do believe, and in my conscience am resolved, that neither the pope nor any other person whatsoever, hath power to absolve me of this oath or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me, and do renounce all pardons and dispensations to the contrary.

(5.) And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever: and I do make this recognition and acknowledgment heartily, willingly and truly, upon the true faith of a christian. *So help me God.*

(6.) Unto which oath so taken, the said person shall subscribe his or her name or mark.

XVI. And be it further enacted by the authority aforesaid, that no indictment or indictments had or found, or hereafter to be had or found, against any person or persons, for not repairing to some church or chapel, or usual place of common prayer, but absenting him or herself by the space of one month, contrary to the laws and statutes in that behalf provided, or for not receiving the said sacrament contrary to this present law, nor any proclamation, outlawry or other proceeding thereupon, shall at any time hereafter be avoided, discharged or reversed, by reason of any default in form, or lack of form or other defect whatsoever (other than by direct traverse to the point of not coming to church or not receiving the said sacrament, whereof such person or persons hath been or shall be indicted) but the same indictment shall stand in force and be proceeded upon; any such default of form, or other defect whatsoever notwithstanding.

No indictment of a recusant shall be reserved for default of form.
Palmer 41.
12 Co. 132.

XVII. Provided always, that if any person or persons so indicted or to be indicted, shall at any time hereafter submit and conform him or herself, and become obedient to the laws of the church of *England*, and repair to the parish church of his or her most abiding,

He that conformeth himself may traverse an indictment.

and if there be no such, then to the church next adjoining to his or her such dwelling, and there hear divine service according to the true meaning of the statute in that behalf made and provided, and there publicly receive the said sacrament according to the laws of this realm of *England* now established; that then every such person and persons so indicted shall and may from thenceforth be admitted and allowed to avoid, discharge, reverse and undo the said indictment and indictments, and all proceedings thereupon, in such manner and form as if this present act had not been had nor made; any thing herein contained to the contrary in anywise notwithstanding.

He shall take the oath who goeth out of the realm to serve foreign prince.

3 Inst. 80.

XVIII. And forasmuch as it is found by late experience, that such as go voluntarily out of this realm of *England* to serve foreign princes, states or potentates, are for the most part perverted in their religion and loyalty by jesuits and fugitives, with whom they do there converse; be it therefore enacted by the authority aforesaid, that every subject of this realm that, after the tenth day of *June* next coming, shall go or pass out of this realm to serve any foreign prince, state or potentate, or shall after the said tenth day of *June* pass over the seas, and there shall voluntarily serve any such foreign prince, state or potentate, not having before his or their going or passing as aforesaid, taken the oath aforesaid, before the officer hereafter appointed, shall be a felon.

A gentleman, captain, or lieutenant serving a foreign prince, shall be bound to the king, &c.

XIX. And that if any gentlemen or person of higher degree, or any person or persons which hath borne or shall bear any office or place of captain, lieutenant or any other place, charge or office in camp, army or company of soldiers, or conductor of soldiers, shall after go or pass voluntarily out of this realm, to serve any such foreign prince, state or potentate, or shall voluntarily serve any such prince, state or potentate, before that he and they shall become bound by obligation, with two such sureties as shall be allowed of by the officers which are hereafter by this act limited to take the same bond, unto our sovereign lord the king's majesty, his heirs or successors, in the sum of twenty pounds of current *English* money at the least, with condition to the effect following, shall be a felon.

The tenor of which condition followeth, viz.,

XX. **T**hat if the within bounden, &c., shall not at any time then after be reconciled to the pope or see of *Rome*, nor shall enter into or consent unto any practice, plot or conspiracy whatsoever against the king's majesty, his heirs and successors, or any his and their estate and estates, realms or dominions; but shall within convenient time after knowledge thereof had, reveal and disclose to the king's majesty, his heirs and successors, or some of the lords of his or their honorable privy council, all such practices, plots and conspiracies; that then the said obligation to be void.

Who shall take the obligation and administer the oath.

XXI. And that for the due execution of this branch of this present law, it shall and may be lawful to and for the customer and comptroller of every port, haven or creek, or one of them, and their or either of their deputy or deputies, and none other, to receive and accept all and every such bond and obligation to and for the uses aforesaid, and to minister and give the oath aforesaid, according to

the true intent of this statute, (taking for such bond six-pence and no more, and for the said oath no fee at all): which said customer and comptroller shall register and certify all and every such bond and oath so taken, into the court of exchequer at *Westminster* once every year, upon pain of five pounds for every bond not so certified, and twenty shillings for every oath not so certified. Provided always, that this last mentioned branch shall not extend to any person or persons which are already gone or shall go beyond the seas to serve any foreign prince, state or potentate, before the tenth day of *June* next coming, for his said going or passing before the said tenth day of *June*.

Forfeiture for not registering and certifying.

XXII. And further be it enacted by the authority aforesaid, that if any person or persons at any time after the said tenth day of *June* shall either upon the seas or beyond the seas, or in any other place within the dominions of the king's majesty, his heirs and successors, put in practice to absolve, persuade or withdraw any of the subjects of the king's majesty, or of his heirs and successors of this realm of *England*, from their natural obedience to his majesty, his heirs or successors, or to reconcile them to the pope or see of *Rome*, or to move them or any of them to promise obedience to any pretended authority of the see of *Rome*, or to any other prince, state or potentate; that then every such person, their procurers, counsellors, aiders and maintainers, knowing the same, shall be to all intents adjudged traitors, and being thereof lawfully convicted shall have judgment, suffer and forfeit, as in cases of high treason.

Putting in practice to absolve or withdraw any from obedience or to reconcile them to the pope.
23 Eliz. c. 1.

XXIII. And if any person as aforesaid, at any time after the said tenth day of *June* shall be either upon the seas or beyond the seas, or in any other place within the dominions of the king's majesty, his heirs or successors, willingly absolved or withdrawn as aforesaid, or willingly reconciled, or shall promise obedience to any such pretended authority, prince, state or potentate as aforesaid: that every such person or persons, their procurers and counsellors, aiders and maintainers, knowing the same, shall be to all intents adjudged traitors; and being thereof lawfully convicted shall have judgment, suffer and forfeit, as in cases of high treason.

Being withdrawn or reconciled.

XXIV. Provided nevertheless, that the last mentioned clause of this branch, or any thing therein contained, shall not extend or be taken to extend to any person or persons whatsoever, which shall hereafter be reconciled to the pope or see of *Rome* as aforesaid, (for and touching the point of so being reconciled only) that shall return into this realm, and thereupon within six days next after such return, before the bishop of the diocese, or two justices of the peace jointly or severally of the county where he shall arrive, submit himself to his majesty and his laws, and take the oath set forth by act in the first year of the reign of the late queen *Elizabeth*, (commonly called the oath of supremacy) as also the oath before set down in this present act; which said oaths the said bishop and justices respectively shall have power and authority by this present act to minister to such persons as aforesaid: and the said oaths so taken, the said bishop and justices before whom such oaths shall be so taken respectively, shall certify at the next general or quarter sessions of the peace to be holden within the said shire, limit, division or liberty

A reconciled person taking the oath.

1 Eliz. c. 1, which is repealed by 1 W. & M. sess. 1, c. 8, sect. 2.

wherein such person as aforesaid shall submit himself and take the said oaths as aforesaid, upon pain of every one neglecting to certify the same as aforesaid, the sum of forty pounds.

Where the trial shall be.

XXV. And be it further enacted, that all and every person and persons that shall offend contrary to this present branch of this statute, shall be indicted, tried and proceeded against by and before the justices of assize and gaol delivery of that county for the time being, or before the justices of the court of king's bench, and be there proceeded against according to the laws and statutes of this realm, against traitors, as if the said offence had been committed in the same county where such person or persons shall be so taken; any law, custom or statute to the contrary in anywise notwithstanding.

Peers.

XXVI. Provided always, that if any peer of this realm, shall happen to be indicted of any offence made treason by this act, he shall have his trial by his peers as in other like cases of treason is accustomed.

1 Eliz. c. 2.

The forfeiture for not repairing to church weekly.

XXVII. And be it further enacted, that if any subject of this realm at any time after one month next after the end of this present session of parliament, shall not resort or repair every *Sunday* to some church, chapel or some other usual place appointed for common prayer, and there hear divine service according to the statute made in that behalf, in the first year of the reign of the late queen *Elizabeth*, that then it shall and may be lawful to and for any one justice of peace of that limit, division or liberty, wherein the said party shall dwell, upon proof unto him made of such default by confession of the party or oath of witness, to call the said party before him; and if he or she shall not make a sufficient excuse and due proof thereof, to the satisfaction of the said justice of peace, that it shall be lawful for the said justice of peace to give warrant to the churchwarden of the said parish wherein the said party shall dwell, under his hand and seal, to levy twelve-pence for every such default, by distress and sale of the goods of every such offender, rendering to the said offender the overplus of the money raised of the said goods so to be sold: and that in default of such distress, it shall and may be lawful for the said justice of peace to commit every such offender to some prison within the said shire, division, limit or liberty, wherein such offender shall be inhabiting, until payment be made of the said sum or sums so to be forfeited; which forfeiture shall be employed to and for the use of the poor of that parish wherein the offender shall be resident or abiding at the time of such offence committed.

Within what time the offender shall be impeached

XXVIII. Provided, that no man be impeached upon this clause, except he be called in question for his said default within one month next after the said default made.

But once punished for one offence.

XXIX. And that no man being punished according to this branch, shall for the same offence be punished by the forfeiture of twelve-pence, upon the law made in the first year of the late queen *Elizabeth*.

A repeal of two branches of the stat. of 35 Eliz. c. 1, sect. 8.

XXX. And because in one act of parliament begun and holden at *Westminster* in the five and thirtieth year of the late queen *Elizabeth*, intituled, *an act to retain the queen's majesty's subjects in their due obedience*, there are two branches contained, the first beginning

thus: ('and for that every person having a house or family, is in duty bounden to have especial regard of the good government and ordering of the same') and so forth to the next clause beginning thus, ('provided nevertheless, that this act shall not in anywise extend to punish or impeach any persons for relieving,' &c. ending with these words, 'any thing in this act contained to the contrary notwithstanding') which said two branches or clauses are found defective:

XXXI. Be it therefore enacted, that the said two branches or clauses of the said act, and no more shall be by authority of this present parliament utterly repealed and made void.

XXXII. And in lieu thereof be it enacted, that every person and persons, which after one month next after the end of this present session of parliament shall willingly maintain, retain, relieve, keep or harbour in his or their house, any servant, sojourner or stranger, who shall not go to, or repair to some church or chapel, or usual place of common prayer, to hear divine service, but shall forbear the same by the space of one month together, not having a reasonable excuse, contrary to the laws and statutes of this realm, shall forfeit ten pounds for every month that he, she or they shall so relieve, maintain, retain, keep or harbour any such servant, sojourner or stranger in his or their house, so forbearing as aforesaid.

Relieving or keeping a recusant in his house.

XXXIII. And that every person which shall within the time aforesaid, retain or keep in his, her or their service, fee or livery, any person or persons, which shall not go to, or repair to some church, chapel or usual place of common prayer to hear divine service, but shall forbear the same by the space of one month together, shall forfeit for every month, he, she or they shall so retain, keep or continue is his, her or their service, fee or livery, any such person or persons so forbearing as aforesaid, knowing the same, ten pounds; the same penalties to be recovered and employed in manner and form hereafter following.

Retaining a recusant in his service, fee or livery.

XXXIV. Provided nevertheless, that this act shall not in anywise extend to punish or impeach any person or persons for maintaining, retaining, relieving, keeping or harbouring his, her or their father or mother, wanting, without fraud or covin, other habitation, or sufficient maintenance, or the ward of any such person, or any person that shall be committed by authority to the custody of any by whom they shall be so relieved, maintained or kept; any thing in this act contained to the contrary notwithstanding.

The father, mother, ward &c. person committed by authority.

XXXV. And be it further enacted by authority of this present parliament, that upon any lawful writ, warrant or process awarded to any sheriff or other officer, for the taking or apprehending of any popish recusant standing excommunicated for such recusancy, it shall be lawful for such sheriff or other officer authorized in that behalf, if need be, to break open any house wherein such person excommunicate shall be, or to raise the power of the county, for the apprehending of such person, and the better execution of such warrant, writ or process.

Breaking a house to take a recusant excommunicate.

XXXVI. And be it further enacted, that all and every offence to be committed or done against this present act, shall and may be inquired of, heard and determined before the justices of the king's

In what courts the offences shall be heard and determined.

bench, justices of assize and gaol delivery in their several assizes and gaol deliveries; and all offences other than treason shall be inquired, heard and determined before the justices of peace in their general or quarter sessions to be holden within the shire, division, limit or liberty wherein such offence shall happen.

Attainder of felony, no forfeiture of dower, or corruption of blood.

XXXVII. Provided always, and be it enacted by the authority aforesaid, that any attainder of felony made felony by this act as is aforesaid, shall not in anywise extend to take away the dower of the wife of any such person attainted, or be any bar for the recovery of the same, nor shall make or work any corruption of blood, or disheirison of any the heir or heirs of any such person or persons so attainted; this act, or any thing therein contained to the contrary in anywise notwithstanding.

The plea to an action brought for doing any thing by force of this statute.

XXXVIII. And be it further enacted, that if any action or actions shall at any time hereafter be commenced or brought against any person or persons doing, committing, or commanding any act or thing, for or concerning the execution of this present statute, or any article or clause therein contained; that then every defendant in such action or actions, may plead the general issue, and be received to maintain the same by any evidence that shall prove his doings and proceedings warrantable by this law.

The authority of the ecclesiastical court reserved.

XXXIX. Provided always, that neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures, for any cause or matter, but that the commissioners of his majesty, his heirs and successors, in causes ecclesiastical, for the time being, and the archbishops, bishops, and other ecclesiastical judges, may do and proceed, as before the making of this act they lawfully did or might have done; any thing in this act to the contrary in anywise notwithstanding.

No forfeiture for the wife's offence.

XL. Provided always, and be it enacted, that no person shall be charged or chargeable with any penalty or forfeiture by force of this act, which shall happen for his wife's offence in not receiving the said sacrament during her marriage, nor that any woman shall be charged or chargeable with any penalty or forfeiture by force of this act, for any such offence of not receiving, which shall happen during her marriage.

Who may take the oath of a noble man or woman.

XLI. Provided also, and be it enacted by the authority of this present parliament, that in all causes where any bishop or justices of the peace may by force of this act require and take of any subject the oath above mentioned, that the lords of the privy council for the time being, or any six of them, whereof the lord chancellor, lord treasurer, or the principal secretary for the time, to be one, shall have full power and authority by force of this act, at any time or times, to require and take the said oaths before mentioned, of any nobleman or noblewoman (then being above the age of eighteen years); and if any such nobleman or noblewoman (other than women married) shall refuse to take such oath or oaths, that in every such case, such nobleman or noblewoman shall incur the pain and danger of a *premunire*.

16 R. 2, c. 5.

Who shall take the oath in the cinque ports.

XLII. Provided also, and be it enacted by the authority of this parliament, that where any person or persons shall go or pass out of

the cinque ports, or any member thereof, to any parts beyond the seas, to serve any foreign prince, state or potentate, that in every such case, the lord warden of the cinque ports for the time being, or any person by him in that behalf appointed, or to be appointed, shall have full power and authority by virtue hereof, to take the bond, and minister the oath to such passengers as is above mentioned.

3 JAMES 1, CAP. 5.—*An act to prevent and avoid dangers which grow by popish recusants.*—Whereas divers jesuits, seminaries and popish priests daily do withdraw many of his majesty's subjects from the true service of Almighty God, and the religion established within this realm, to the Romish religion, and from their loyal obedience to his majesty, and have of late secretly persuaded divers recusants and papists, and encouraged and emboldened them to commit most damnable treasons, tending to the overthrow of God's true religion, the destruction of his majesty and his royal issue, and the overthrow of the whole state and commonwealth, if God of his goodness and mercy had not within few hours before the intended time of the execution thereof, revealed and disclosed the same; wherefore to discover and prevent such secret damnable conspiracies and treasons as hereafter may be put in ure by such evil disposed persons, if remedy be not therefore provided; be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that such person as shall first discover to any justice of peace, any recusant or other person which shall entertain or relieve any jesuit, seminary or popish priest, or shall discover any mass to have been said, and the persons that were present at such mass, and the priest that said the same, or any of them, within three days next after the offence committed, and that by reason of such discovery any of the said offenders be taken and convicted or attainted, that then the person which hath made such discovery, shall not only be freed from the danger and penalty of any law for such offence, if he be an offender therein, but also shall have the third part of the forfeiture of all such sums of money, goods, chattels and debts, which shall be forfeited by such offence, (so as the same total forfeiture exceed not the sum of one hundred and fifty pounds; and if it exceed the sum of one hundred and fifty pounds, the said person so discovering the said offence shall have the sum of fifty pounds only for every such discovery; and such person so discovering the same, after conviction of the offender, shall have a certificate from the judges or justices of peace before whom such conviction shall happen, to be directed to the sheriff or other officer of the same county, limit or place, that shall seize the goods, or levy the said forfeiture, commanding the said sheriff or other officer to pay the same accordingly to him that so discovered the same, out of the monies to be levied by virtue of the said forfeitures, which warrant and payment shall be effectual in the law for that purpose, and a sufficient discharge in that behalf for the sheriff, or other officer upon his account.

II. And whereas the repair of such evil affected persons to the court, or to the city of *London*, may be very dangerous to his majesty's person, and may give them more liberty to meet, consult and plot their treasons and practices against the state, than if they should

1 Haw. P. C.
c. 22.
Burn v. 2,
309, &c.

The reward
of him who
discovereth
a priest or
mass.
2 Roll 437.

A recusant
shall not
come to the
court.

be restrained and confined unto their private houses in the country : for remedy hereof, be it enacted by the authority aforesaid, that no popish recusant convicted or to be convicted shall come into the court or house where the king's majesty, or his heir apparent to the crown of *England* shall be, unless he be commanded so to do by the king's majesty, his heirs and successors, or by warrant in writing from the lords and others of the most honorable privy council of the king's majesty, his heirs and successors, or any of them ; upon pain to forfeit for every time so offending, one hundred pounds ; the one moiety to the king's majesty, his heirs and successors ; the other moiety to him that will discover and sue for the same, by action of debt, bill, plaint or information in any of his majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed.

Recusants
shall depart
from London

III. And that all popish recusants indicted or convicted, and all other persons which have not repaired to some usual church or chapel, and there heard divine service, but have forborn the same by the space of three months last past, contrary to the laws and statutes of this realm, dwelling, abiding or remaining within the city of *London*, or the liberties thereof, or within ten miles of the said city, shall within three months next after the end of this session of parliament, depart from the said city of *London*, and ten miles compass of the same ; and also shall deliver up their names to the lord mayor of *London*, in case such recusant do dwell or remain within the said city of *London*, or the liberties thereof : and in case the said recusant shall dwell or remain in any other county within ten miles of the same city, then the said recusant shall deliver up his or her name to the next justice of peace within such county where the said recusant shall so dwell or remain, within forty days after the end of this session of parliament : upon pain that every person offending herein shall forfeit to our sovereign lord the king's majesty, his heirs and successors, the sum of one hundred pounds ; the one moiety whereof shall be to the king's majesty, his heirs and successors ; the other moiety to him or them that will sue for the same by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

IV. And that all popish recusants which shall hereafter come, dwell or remain within the said city of *London* or the liberties thereof, or within ten miles of the said city, which now are or hereafter shall be indicted or convicted of such recusancy, or which shall at any time hereafter not repair unto some usual church or chapel, and there hear divine service, but shall forbear the same by the space of three months, contrary to the laws and statutes of this realm, shall within ten days after such indictment or conviction depart from the said city of *London*, and ten miles compass of the same, and also shall deliver up their names to the lord mayor of *London* for the time being, in case such recusant shall dwell or remain within the said city of *London* or the liberties thereof ; and in case the said recusant shall dwell or remain in any other county within ten miles of the said city, then the said recusant shall deliver up his or her name to the next justice of peace within such county where the said recusant shall so dwell or remain, within the said ten

days next after such indictment or conviction; upon pain that every person offending herein shall likewise forfeit to our said sovereign lord the king's majesty, his heirs and successors, the like sum of one hundred pounds: the one moiety whereof shall be to the king's majesty, his heirs and successors, and the other to him or them that will sue for the same by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

V. Provided always, that such person or persons as now use any trade, mystery or manual occupation within the said city of *London*, or within ten miles of the same, and such as have or shall have their only dwelling within the said city, or ten miles compass of the same, not having any other dwelling or place of abode elsewhere, shall or may remain and continue in such place within the said city, or ten miles of the same, as they have dwelled, inhabited or remained in by the space of three months next before this present session of parliament; any thing herein contained to the contrary notwithstanding.

Tradesmen
and dwellers
in London.

VI. And whereas by a statute made at *Westminster* in the five and thirtieth year of the reign of queen *Elizabeth*, intituled, *an act for the restraining of popish recusants to some certain place of abode*, it was amongst other things ordained and enacted, that every popish recusant then or after convicted for not repairing to church, chapel, or usual place of common prayer, having any certain place of dwelling and abode within this realm, should within the time limited by the said statute repair to their place of usual dwelling and abode, or not having any certain place of dwelling or abode within this realm, should likewise within the time limited by the said statute repair to the place where such person was born, or where the father or mother of such person should be dwelling, and not at any time remove or pass above five miles from thence, under the pains in the said statute limited and provided; which statute, by reason of sundry licences given unto such recusants, under colour of a proviso in the said statute contained, hath not wrought that good effect in the commonwealth as was hoped: be it therefore enacted and ordained by this present parliament, and by the authority of the same, that the said statute made in the said five and thirtieth year of the said queen *Elizabeth*, for and concerning the confining of the said recusants under the pains and penalties therein contained, shall by this act, and by the authority of the same, be confirmed, and be hereafter put in due execution, according to the tenor, true intent and meaning of the said statute in that behalf made: and that the said proviso in the said statute contained, giving power to grant licence or licences unto the said recusants, to go and travel from or out of the compass of the said five miles, shall be from and after the end of this present session of parliament utterly repealed and void; any thing in the said statute to the contrary in anywise notwithstanding.

A recusant
confined.

A repeal of a
proviso con-
tained in the
statute of
35 Eliz. c. 2,
touching
licence to
recusants.

VII. Provided nevertheless, and be it further enacted by this present parliament, and by the authority of the same, that it shall and may be lawful for the king's most excellent majesty, his heirs and successors, or for three or more of his majesty's most honorable privy council, or for three or more of the privy council of his heirs

Licence to
a recusant
confined,
Cro. Jac. 352.

and successors, in writing under the hands of the said privy counsellors, to give licence to every such recusant to go and travel out of the compass of the said five miles, for such time as in the said licence shall be contained, for their travelling, attending and returning, and without any other cause to be expressed within the said licence: and if any of the persons which are so confined by virtue of the said statute, as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles, that then and in every such case, upon licence in writing in that behalf to be gotten, under the hands and seals of four of the justices of peace of the same county, limit, division or place next adjoining to the place of abode of such recusant, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy lieutenant of the same county residing within the said county or liberty, under their hands and seals; in every of which licence or licences in writing so to be had and made, shall be specified and contained both the particular cause of the said licence, and the time how long the said party licenced shall be absent, in travelling, attending and returning: it shall and may thereupon be lawful for every such person so licenced, to go and travel about such their necessary business, and for such time only for their travelling, attending and returning, as shall be comprised in the said licence, the said party so licenced first taking his corporal oath before the said four justices of the peace, or any of them (who shall have authority by virtue of this act to minister the same) that he hath truly informed them of the cause of his journey, and that he shall not make any causeless stays; and that all and every licence hereafter to be made in this behalf, contrary to the tenor, effect and true meaning of this statute, shall be utterly void, frustrate and of none effect; any thing in the said former act, or in this act to the contrary notwithstanding. And every person so confined, which shall depart or go above five miles from the place whereunto he is or shall be confined, not having such licence, and not having taken such oath as aforesaid, shall incur the pain and penalty, and forfeit as a recusant convicted, and passing or going above five miles from the said place whereunto he is or shall be confined, by the said statute of *tricesimo quinto Elizabethæ*, should do.

The effect of
a licence to
be granted by
four justices
of peace.

35 Eliz. c. 2.

A recusant
disabled to
practise cer-
tain offices
and func-
tions.

VIII. And be it further enacted by the authority aforesaid, that no recusant convict shall at any time after the end of this session of parliament practise the common law of this realm as a counsellor, clerk, attorney or solicitor in the same, nor shall practise the civil law as advocate or proctor; nor practise physic, nor use or exercise the trade or art of an apothecary; nor shall be judge, minister, clerk or steward of or in any court, or keep any court, nor shall be register or town clerk, or other minister or officer in any court; nor shall bear any office or charge as captain, lieutenant, corporal, serjeant, ancient bearer or other office in camp, troop, band or company of soldiers; nor shall be captain, master, governor, or bear any office or charge of or in any ship, castle or fortress of the king's majesty's, his heirs and successors; but be utterly disabled for the same: and every person offending herein shall also forfeit for every such offence one hundred pounds; the one moiety whereof shall be to the king's

majesty, his heirs and successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

IX. And be it also enacted by the authority aforesaid, that no popish recusant convict, nor any having a wife being a popish recusant convict, shall at any time after the end of this session of parliament, or any popish recusant hereafter to be convict, or having a wife which hereafter shall be a popish recusant convict, at any time after his or her conviction, shall exercise any public office or charge in the commonwealth, but shall be utterly disabled to exercise the same by himself, or by his deputy; except such husband himself, and his children which shall be above the age of nine years abiding with him, and his servants in household, shall once every month at the least, not having any reasonable excuse to the contrary, repair to some church or chapel usual for divine service, and there hear divine service; and the said husband, and such his children and servants as are of meet age, receive the sacrament of the Lord's supper at such times as are limited by the laws of this realm, and do bring up his said children in true religion.

No recusant shall be a public officer

X. And be it also enacted by the authority aforesaid, that every married woman, being or that shall be a popish recusant convicted, (her husband not standing convicted of popish recusancy) which shall not conform herself and remain conformed, but shall forbear to repair to some church or usual place of common prayer, and there to hear divine service and sermon, if any then be, and within the said year receive the sacrament of the Lord's supper, according to the laws of this realm, by the space of one whole year next after the death of her said husband, shall forfeit and lose to the king's majesty, his heirs and successors, the issues and profits of two parts of her jointure, and two parts of her dower, in three parts to be divided, during her life, of or out of any the lands, tenements or hereditaments, which are or were her said husband's, and also be disabled to be executrix or administratrix of her said husband, and to have or demand any part or portion of her said late husband's goods or chattels, by any law, custom or usage whatsoever.

A woman married recusant. 7 Jac. 1, c. 6.

XI. And be it further enacted by the authority aforesaid, that every popish recusant which is or shall be convicted of popish recusancy, shall stand and be reputed to all intents and purposes disabled as a person lawfully and duly excommunicated, and as if he or she had been so denounced and excommunicated according to the laws of this realm, until he or she so disabled shall conform him and herself, and come to church, and hear divine service, and receive the sacrament of the Lord's supper, according to the laws of this realm, and also take the oath appointed and prescribed in one other act made this present session of parliament, intituled, *an act for the better discovering and repressing of popish recusants*; and that every person and persons sued or to be sued by such person so disabled, shall and may plead the same in disabling of such plaintiff, as if he or she were excommunicated by sentence in the ecclesiastical court.

A recusant shall be as excommunicated. 2 Bulstr. 155.

XII. Provided nevertheless, that it shall and may be lawful for any such person so disabled, for and notwithstanding any thing in

3 Jac. 1, c. 4.

Whatactions a recusant

may prosecute.
Litch 172,
177.

Recusants'
marriages
by priests,
&c.

this law contained, to sue or prosecute any action or suit for or concerning only such of his or her lands, tenements, leases, rents, annuities and hereditaments, or for the issues and profits thereof, which are not to be seized or taken into the king's hands, his heirs or successors, by force of any law, for or concerning his or her recusancy, or any part thereof.

XIII. And for that popish recusants are not usually married, nor their children christened, nor themselves buried according to the law of the church of *England*, but the same are done superstitiously by popish persons in secret, whereby the days of their marriages, births and burials cannot be certainly known: be it further enacted by authority of this present parliament, that every man being or which shall be a popish recusant convicted, and who shall be hereafter married otherwise than in some open church or chapel, and otherwise than according to the orders of the church of *England*, by a minister lawfully authorized, shall be utterly disabled and excluded to have any estate of freehold into any the lands, tenements and hereditaments of his wife, as tenant by the courtesy of *England*: and that every woman being, or which shall be, a popish recusant convicted, and who shall be hereafter married in other form than as aforesaid, shall be utterly excluded and disabled, not only to claim any dower of the inheritance of her husband, whereof she may be endowable, or any jointure of the lands and hereditaments of her husband, or any of his ancestors, but also of her widow's estate and frank-bank in any customary lands whereof her husband died seized, and likewise be disabled and excluded to have or enjoy any part or portion of the goods of her said husband, by virtue of any custom of any county, city or place where the same shall lie or be; and if any such man shall be married with any woman contrary to the intent and true meaning of this act, which woman hath or shall have no lands, tenements or hereditaments, whereof he may be entitled to be tenant by the courtesy, then such man so marrying as aforesaid, shall forfeit and lose one hundred pounds, the one half thereof to be to the king's majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

The baptism
of recusants'
children.

XIV. And that every popish recusant which shall hereafter have any child born, shall within one month next after the birth thereof cause the same child to be baptized by a lawful minister, according to the laws of this realm, in the open church of the same parish where the child shall be born, or in some other church near adjoining, or chapel where baptism is usually administered: or, if by infirmity of the child it cannot be brought to such place, then the same shall within the time aforesaid be baptized by the lawful minister of any of the said parishes or places aforesaid; upon pain that the father of such child, if he be living by the space of one month next after the birth of such child, or if he be dead within the said month, then the mother of such child, shall for every such offence forfeit one hundred pounds of lawful money of *England*; one third part whereof to be to the king's majesty, his heirs and succes-

sors ; one other third part to the informer, or him that will sue for the same, and the other third part to the poor of the said parish, to be recovered by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law, shall be admitted or allowed.

XV. And if any popish recusant, man or woman, not being excommunicate, shall be buried in any place other than in the church or church-yard, or not according to the ecclesiastical laws of this realm, that the executors or administrators of every such person so buried, knowing the same, or the party that causeth him to be so buried, shall forfeit the sum of twenty pounds; the one third part whereof shall be to our sovereign lord the king; the other third part to the informer, or him or them that will sue for the same; and the other third part to the poor of the parish where such person died, to be recovered by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

The forfeiture for burying recusants, not excommunicate, out of the church or church-yard.

XVI. And be it further enacted by this present parliament, that if the children of any subject within this realm (the said children not being soldiers, mariners, merchants, or their apprentices or factors) to prevent their good education in *England*, or for any other cause, shall hereafter be sent or go beyond seas, without licence of the king's majesty, or six of his honorable privy council (whereof the principal secretary to be one) under their hands and seals, that then all and every such child and children so sent, or which shall so go beyond the seas, shall take no benefit by any gift, conveyance, descent, devise or otherwise, of or to any lands, tenements, hereditaments, leases, goods or chattels, until he or they being of the age of eighteen years or above, take the oath mentioned in an act of parliament made this present session, intituled, *an act for the better discovering and repressing of popish recusants*, before some justice of peace of the county, liberty or limit, where such parents of such children as shall be so sent, did and shall inhabit or dwell; and that in the meantime the next of his or her kin, which shall be no popish recusant, shall have and enjoy the said lands, tenements, hereditaments, leases, goods and chattels so given, conveyed, descended or devised, until such time as the person so sent or gone beyond the seas, shall conform him or herself, and take the aforesaid oath, and receive the sacrament of the Lord's supper: and after such oath taken, and conforming of himself, and receiving the sacrament of the supper of the Lord, he or they which have so received the profits of the said lands, tenements, hereditaments, goods and chattels, or any of them, shall make account of the profits so received, and in reasonable time make payment thereof, and restore the value of the said goods to such person as shall so conform him or herself as aforesaid: and that all such persons as shall send the said child or children over seas, without licence as aforesaid (unless the said child or children be merchants, or their apprentices or factors, mariners or soldiers) shall forfeit one hundred pounds, to be divided, had and recovered in three equal parts, whereof the one third part shall be to the king, his heirs and successors, the other third part to such as shall sue for the same, and the other third part to the poor of such parish where

The forfeiture of children departing the realm
3 Jac. 1, c. 4.
Hob. 73.
1 Roll 103.

The forfeiture of him who sendeth his child beyond the sea.
1 Jac. 1, c. 4.
3 Car. 1, c. 2.
Altered by
11 & 12 W. 3,
c. 4, sect. 6.

such offender doth inhabit or remain, by action of debt, bill, plaint or information, in any the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

The forfeiture of the persons gone beyond sea.

XVII. And for that many subjects of this realm, being neither merchants, nor their factors, nor apprentices, soldiers nor mariners, are of late gone beyond the seas without licence, and are not as yet returned, be it further enacted by the authority of this present parliament, that if any of the said persons so gone beyond the seas without licence, which are not yet returned, shall not within six months next after their return into this realm, then being of the age of eighteen years or more, take the oath above specified before some justice of peace of the county, liberty or limit, where such person shall inhabit or remain, that then every such offender shall take no benefit by any gift, conveyance, descent, devise, or otherwise, of or to any lands, tenements, hereditaments, goods or chattles, until he or they, being of the said age of eighteen years or above, take the said oath: and that likewise in the mean time the next of kin to the person so offending, which shall be no popish recusant, shall have and enjoy the said lands, tenements, hereditaments, goods and chattels so given, conveyed, descended or devised, until such time as the person so offending shall conform himself, and take the aforesaid oath, and receive the said sacrament of the Lord's supper; and after such conforming, taking of the said oath, and receiving of the said sacrament, he or they that shall have so received the profits of the said lands, tenements, hereditaments, goods and chattels, shall make account of the profits so received, and in reasonable time make payment thereof, and of the value of such goods and chattels, to such person as shall so conform him or herself as aforesaid.

A recusant shall not present to a benefice, nor nor grant an advowson. Enlarged by 1 W. & M. sess. 1, c. 26, and 12 Anne, stat. 2, c. 14.

XVIII. And be it further enacted by the authority of this present parliament, that every person or persons that is or shall be a popish recusant convict, during the time that he shall be or remain a recusant, shall from and after the end of this present session of parliament, be utterly disabled to present to any benefice with cure or without cure, prebend or any other ecclesiastical living, or to collate or nominate to any free school, hospital or donative whatsoever, and from the beginning of this present session of parliament, shall likewise be disabled to grant any advowson to any benefice, prebend or other ecclesiastical living.

The chancellor and scholars of Oxford shall present to a recusant's benefice in certain counties. Jones 17.

XIX. And that the chancellor and scholars of the university of *Oxford*, so often as any of them shall be void, shall have the presentation, nomination, collation and donation of and to every such benefice, prebend or ecclesiastical living, school, hospital and donative, set, lying and being in the counties of *Oxford, Kent, Middlesex, Sussex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wiltshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Carmarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire*, the city of *London*, and in every city and town, being a county of itself, lying and being within any of the limits or precincts of any of the counties aforesaid, or in, or within any of them, as shall happen to be void during such time as the patron thereof shall be and remain a recusant convict as aforesaid.

XX. And that the chancellor and scholars of the university of *Cambridge*, shall have the presentation, nomination, collation and donation of and to every such benefice, prebend or ecclesiastical living, school, hospital and donative, set, lying and being in the counties of *Essex, Hertfordshire, Bedfordshire, Cambridgeshire, Huntingdonshire, Suffolk, Norfolk, Lincolnshire, Rutlandshire, Leicestershire, Derbyshire, Nottinghamshire, Shropshire, Cheshire, Lancashire, Yorkshire*, the county of *Durham, Northumberland, Cumberland, Westmoreland, Radnorshire, Denbighshire, Flintshire, Carnarvonshire, Angleseashire, Merionethshire, Glamorganshire*, and in every city and town, being a county of itself, lying within any of the limits or precincts of any of the counties last before mentioned, or in, or within any of them, as shall happen to be void during such time as the patron thereof shall be and remain a recusant convict as aforesaid.

The chancellor and scholars of Cambridge.

XXI. Provided, that neither of the said chancellors and scholars of either of the said universities, shall present or nominate to any benefice with cure, prebend or other ecclesiastical living, any such person as shall then have any other benefice with cure of souls, and if any such presentation or nomination shall be had or made of any such person so beneficed, the said presentation or nomination shall be utterly void; any thing in this act to the contrary notwithstanding.

None shall be presented who hath another benefice.

XXII. Moreover, because recusants convict are not thought meet to be executors or administrators to any person or persons whatsoever, nor to have the education of their own children, much less of the children of any other of the king's subjects, nor to have the marriage of them; be it therefore enacted by the authority aforesaid, that such recusants convicted, or which shall be convicted at the time of the death of any testator, or at the time of the granting of any administration, shall be disabled to be executor or administrator by force of any testament hereafter to be made, or letters of administration hereafter to be granted, nor shall have the custody of any child, as guardian in chivalry, guardian in socage, or guardian in nurture, of any lands, tenements or hereditaments, being freehold or copyhold, but shall be adjudged disabled to have any such wardship or custody of any such child, or of their lands, tenements or hereditaments, being freehold or copyhold as aforesaid.

A recusant shall not be executor or administrator.

A recusant shall be no guardian.

XXIII. And that for the better education and preservation of the said children, and of their estates, the next of the kin to such child or children, to whom the said lands, tenements or hereditaments of such child or children cannot lawfully descend, who shall usually resort to some church or chapel, and there hear divine service, and receive the holy sacrament of the Lord's supper thrice in the year next before, according to the laws of this realm, shall have the custody and education of the same child, and of his said lands and tenements, being holden in knights service, until the full age of the said ward of one and twenty years, and of his said lands, tenements and hereditaments, being holden in socage, as a guardian in socage, and of the said lands, tenements and hereditaments holden by copy of court roll of any manor, so long as the custom of the said manor shall permit and allow the same; and in every of the said cases shall yield an account of the profits thereof to the said ward, as the case shall require.

Who shall have the wardship.

The king's
wards.

XXIV. And that if at any time hereafter, any of the wards of the king's majesty, or of any other, shall be granted or sold to any popish recusant convict, such grant or sale shall be utterly void and of none effect.

Popish books

XXV. And be it further enacted by the authority of this present parliament, that no person or persons shall bring from beyond the seas, nor shall print, sell or buy any popish primers, ladies' psalters, manuals, rosaries, popish catechisms, missals, breviaries, portals, legends and lives of saints, containing superstitious matter printed or written in any language whatsoever, nor any other superstitious books printed or written in the *English* tongue; upon pain of forfeiture of forty shillings for every such book; one third part thereof to be to the king's majesty, his heirs and successors, one other third part to him that will sue for the same, and the other third part to the poor of the parish where such book or books shall be found, to be recovered by action of debt, bill, plaint or information, in any of the king's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed, and the said books to be burned.

Justices may
search for
books print-
ed, &c.

XXVI. And that it shall be lawful for any two justices of peace within the limits of their jurisdiction or authority, and to all mayors, bailiffs and chief officers of cities and towns corporate in their liberties from time to time, to search the houses and lodgings of every popish recusant convict, or of every person whose wife is or shall be a popish recusant convict, for popish books and relics of popery: and that if any altar, pix, beads, pictures, or such like popish relics, or any popish book or books, shall be found in their or any of their custody, as in the opinion of the said justices, mayor, bailiff or chief officer, as aforesaid, shall be thought unmeet for such recusant, as aforesaid, to have or use the same, shall be presently defaced and burnt, if it be meet to be burned: and if it be a crucifix, or other relic of any price, the same to be defaced at the general quarter sessions of the peace in the county where the same shall be found, and the same so defaced to be restored to the owner again.

A crucifix
defaced.

A recusant's
armour.

XXVII. And be it also enacted by the authority aforesaid, that all such armour, gunpowder and munition, of whatsoever kinds, as any popish recusant convict within this realm of *England*, hath or shall have in his house or houses, or elsewhere, or in the hands or possession of any other at his or their disposition, shall be taken from such popish recusants or others which have or shall have the same to the use of such popish recusant, by warrant of four justices of peace at their general or quarter sessions, to be holden in the same county where such popish recusant shall be resident (other than such necessary weapons, as shall be thought fit by the said four justices of peace to remain and be allowed for the defence of the person or persons of such recusants, or for the defence of his, her or their house or houses) and that the said armour and munition so taken, shall be kept and maintained at the costs of such recusants, in such places as the said four justices of peace at their said sessions of the peace shall set down and appoint.

The forfei-
ture of a
recusant not

XXVIII. And be it further enacted by the authority aforesaid, that if any such recusant having or which shall have any such

armour, gunpowder and munition, or any of them, or if any other person or persons which shall have any such armour, gunpowder and munition, or any of them, to the use of any such recusant, shall refuse to declare or manifest unto the said justices of the peace, or any of them, what armour he, she or they have, or shall have, or shall let, hinder or disturb the delivery thereof, to any of the said justices, or to any other person or persons authorized by their warrant to take and seize the same; then every such person so offending contrary to this statute in this behalf, shall forfeit and lose to the king's majesty, his heirs and successors, his and their said armour, gunpowder and munition, and shall also be imprisoned by warrant of or from any justices of peace of such county, by the space of three months, without bail or mainprize.

delivering
his armour.

XXIX. And yet nevertheless, be it enacted by the authority aforesaid, that notwithstanding the taking away of such armour, gunpowder and munition, the said popish recusant shall and may be charged with the maintaining of the same, and with the buying, providing and maintaining of horse, and other armour and munition, in such sort as other his majesty's subjects from time to time shall be appointed and commanded, according to their several abilities and qualities, and that the said armour and munition, at the charge of such popish recusant, for them, and as their own provision of armour and munition, shall be shewed at every muster, shew or use of armour to be had or made within the said county.

A recusant
shall main-
tain his
armour.

XXX. Provided always, that neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures, for any cause or matter; but that the commissioners of his majesty, his heirs and successors, in causes ecclesiastical, for the time being, archbishops, bishops and other ecclesiastical judges, may do and proceed as before the making of this act they lawfully did or might have done; any thing in this act to the contrary in anywise notwithstanding.

Ecclesiasti-
cal censures.

7 JAMES 1, CAP. 6, SEC. 28.—*An act for administering the oath of allegiance, and reformation of married women recusants.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 423.

3 CHARLES 1, CAP. 2.—*An act to restrain the passing or sending of any to be popishly bred beyond the seas.*—Forasmuch as divers ill-affected persons to the true religion established within this realm, have sent their children into foreign parts to be bred up in popery, notwithstanding the restraint thereof by the statute made in the first year of the reign of our late sovereign lord king *James* of famous memory; be it enacted, that the said statute shall be put in due execution: and be it further enacted by the king's most excellent majesty, and the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in case any person or persons under the obedience of the king, his heirs and successors, at any time after the end of this session of parliament, shall pass or go, or shall convey or send, or cause to be sent or conveyed, any child or other person, out of any of the king's dominions, unto any the parts beyond the seas, out of the king's obedience, to the intent and purpose to enter into, or be resident or

A restraint
of passage or
sending any
person be-
yond the seas
to be popish-
ly bred.
1 Jac. 1, c. 4.

He that go-
eth himself,
or sends any
other beyond
the seas to
be trained up
in popery,
&c. shall be
disabled to

sue, &c. and shall lose all his goods, and shall forfeit all his lands, &c. for life.

27 Eliz. c. 2.
3 Jac. 1, c. 5.
Bac. v. 3, 788.

A convert shall not incur the penalties aforesaid.
27 Eliz. c. 2.

trained up in, any priory, abbey, nunnery, popish university, college or school, or house of jesuits, priests, or in any private popish family, and shall be there by any jesuits, seminary priests, friar, monk, or other popish person, instructed, persuaded or strengthened in the popish religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the hands or means of any person whatsoever, any sum or sums of money, or other thing, for or towards the maintenance of any child or other person already gone or sent, or to go or to be sent, and trained and instructed as is aforesaid, or under the name or colour of any charity, benevolence or alms, towards the relief of any priory, abbey, nunnery, college, school, or any religious house whatsoever: every person so sending conveying, or causing to be sent and conveyed, as well any such child or other person, as any sum or sums of money, or other thing, and every person passing or being sent beyond the seas, being thereof lawfully convicted, in or upon any information, presentment or indictment, as is aforesaid, shall be disabled from thenceforth to sue or use any action, bill, plaint or information, in course of law, or to prosecute any suit in any court of equity, or to be committee of any ward, or executor or administrator to any person, or capable of any legacy or deed of gift, or to bear any office within the realm; and shall lose and forfeit all his goods and chattels, and shall forfeit all his lands, tenements and hereditaments, rents, annuities, offices and estates of freehold, for and during his natural life.

II. Provided always, that no person sent or conveyed as aforesaid, that shall within six months after his return into this realm conform himself unto the present religion established in this church of *England*, and receive the sacrament of the Lord's supper, according to the statutes made concerning conformity in other cases required from popish recusants, shall incur any the penalties aforesaid.

III. And it is enacted, that all and every the offences against this statute may be inquired, heard and determined before the justices of the king's bench, or justices of assize or gaol delivery, or of *Oyer* and *Terminer*, of such counties where the offenders did last dwell or abide, or whence they departed out of this kingdom, or where they were taken.

IV. Provided also, that if any person or child, so passing or sent, or now being beyond the sea, shall after his return into this realm conform himself to this religion established in the church of *England*, and receive the sacrament of the Lord his supper, according to the statutes made for or concerning conformity in other cases required from popish recusants, for and during such time as he or she shall so continue in such conformity and obedience, according to the true intent and meaning of the said laws and statutes, shall have his or her lands restored to them again.

Lutw. 150.
3 Jac. 1, c. 5.
7 Jac. 1, c. 6.

25 CHARLES 2, CAP. 2.—*An act for preventing dangers which may happen from popish recusants.*—For preventing dangers which may happen from popish recusants, and quieting the minds of his majesty's good subjects; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that all and every person or

persons, as well peers as commoners, that shall bear any office or offices civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his majesty, or shall have command or place of trust from or under his majesty, or from any of his majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or shall be of the household, or in the service or employment of his majesty, or of his royal highness the duke of *York*, who shall inhabit, reside or be within the city of *London* or *Westminster*, or within thirty miles distant from the same, on the first day of *Easter* term that shall be in the year of our Lord one thousand six hundred seventy-three ; or at any time during the said term, all and every the said person and persons shall personally appear before the end of the said term, or of *Trinity* term next following, in his majesty's high court of chancery, or in his majesty's court of king's bench, and there in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the several oaths of supremacy and allegiance (which oath of allegiance is contained in the statute made in the third year of king *James*) by law established ; and during the time of the taking thereof by the said person and persons, all pleas and proceedings in the said respective courts shall cease ; and that all and every of the said respective persons and officers, not having taken the said oaths in the said respective courts aforesaid, shall on or before the first day of *August* one thousand six hundred seventy-three, at the quarter sessions for that county or place where he or they shall be, inhabit or reside on the twentieth day of *May*, take the said oaths in open court between the said hours of nine and twelve of the clock in the forenoon ; and the said respective officers aforesaid shall also receive the sacrament of the Lord's supper, according to the usage of the church of *England*, at or before the first day of *August* in the year of our Lord one thousand six hundred and seventy-three, in some parish church, upon some Lord's day, commonly called *Sunday*, immediately after divine service and sermon.

All persons that shall bear any offices or places of trust under his majesty, &c. must take the oaths of allegiance and supremacy, and the following oaths, &c. Vin. v. 18, 240.

When and where to appear and make oath.

This act extended to deputies by 1 Geo. 1, st. 2, c. 13, s. 18.

To receive the sacrament according to the usage of the church of England.

II. And be it further enacted by the authority aforesaid, that all and every person or persons that shall be admitted, entered, placed or taken into any office or offices civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant of his majesty, or shall have command or place of trust from or under his majesty, his heirs or successors, or by his or their authority, or by authority derived from him or them, within this realm of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service or employment in his majesty's or royal highness' household or family, after the first day of *Easter* term aforesaid, and shall inhabit, be or reside, when he or they is or are so admitted or placed, within the cities of *London* or *Westminster*, or within thirty miles of the same, shall take the said oaths aforesaid in the said respective court or courts aforesaid, in the next term after such his or their admittance or admittances into the office

All persons to be admitted into any office, &c. after the first day of Easter term, to take the said oaths, &c. See 2 Geo. 2, c. 31, s. 9. Carthew 478. 2 Mod. 209. Comberb 21. The time enlarged to six months, 9 Geo. 2, c. 26. Persons beyond sea helped by 13 Geo. 1, c. 29, s. 1.

When and
where to be
taken.
Jones Sir
Tho. 81.
Quarter
sessions.
Explained by
1 Geo. 2, st. 2,
c. 23, s. 6.
Carthew 320.

or offices, employment or employments aforesaid, between the hours aforesaid, and no other, and the proceedings to cease as aforesaid; and that all and every such person or persons to be admitted after the said first day of *Easter* term as aforesaid, not having taken the said oaths in the said courts aforesaid, shall at the quarter sessions for that county or place where he or they shall reside, next after such his admittance or admittances into any of the said respective offices or employments aforesaid, take the said several and respective oaths as aforesaid: and all and every such person and persons so to be admitted as aforesaid, shall also receive the sacrament of the Lord's supper, according to the usage of the church of *England*, within three months after his or their admittance in or receiving their said authority and employment, in some public church, upon some Lord's day, commonly called *Sunday*, immediately after divine service and sermon.

A certificate
to be deliver-
ed into court,
of his receiv-
ing the sacra-
ment.

III. And every of the said persons in the respective court where he takes the said oaths shall first deliver a certificate of such his receiving the said sacrament as aforesaid, under the hands of the respective minister and churchwarden, and shall then make proof of the truth thereof by two credible witnesses at the least, upon oath; all which shall be inquired of, and put upon record in the respective courts.

Whosoever
shall refuse
to take the
oaths shall
be adjudged
incapable of
any other
office.

IV. And be it further enacted by the authority aforesaid, that all and every the person or persons aforesaid, that do or shall neglect or refuse to take the said oaths and sacrament in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them or any of them; and every such office and place, employment and employments shall be void, and is hereby adjudged void.

No person
shall execute
any office,
after refusal
to take the
oaths.

V. And be it further enacted, that all and every such person or persons that shall neglect or refuse to take the said oaths or the sacrament as aforesaid, within the times, and in the places aforesaid, and in the manner aforesaid, and yet after such neglect or refusal shall execute any of the said offices or employments after the said times expired, wherein he or they ought to have taken the same, and being thereupon lawfully convicted, in or upon any information, presentment or indictment, in any of the king's courts at *Westminster*, or at the assizes, every such person and persons shall be disabled from thenceforth to sue or use any action, bill, plaint or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to bear any office within this realm of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*; and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint or information in any of his majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall lie.

The penalty.
1 Lutw. 159,
162.
Shall not
prosecute
any suit in
law or equity
or be guar-
dian to any
child, or ex-
ecutor, &c.
The forfei-
ture.

The names
of persons
taking the

VI. And be it further enacted by the authority aforesaid, that the names of all and singular such persons and officers aforesaid, that do

or shall take the oaths aforesaid, shall be in the respective courts of chancery and king's bench and the quarter sessions enrolled, with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other; the which rolls, as for the court of chancery, shall be publicly hung up in the office of the petty bag, and the roll for the king's bench in the crown office of the said court, and in some public place in every quarter sessions, and there remain during the whole term, every term, and during the whole time of the said sessions, in every quarter sessions, for every one to resort to and look upon without fee or reward; and likewise none of the person or persons aforesaid shall give or pay as any fee or reward to any officer or officers belonging to any of the courts as aforesaid, above the sum of twelve-pence for his or their entry of his or their taking of the said oaths aforesaid.

oaths, where to be registered.

The fees allowed.

VII. And further, that it shall and may be lawful to and for the respective courts aforesaid, to give and administer the said oaths aforesaid to the person or persons aforesaid, in manner as aforesaid, and upon the due tender of any such person or persons to take the said oaths, the said courts are hereby required and enjoined to administer the same.

Upon due tender made to the courts, they are to administer the oaths.

VIII. And be it further enacted, that if any person or persons, not bred up by his or their parent or parents from their infancy in the popish religion, and professing themselves to be popish recusants, shall breed up, instruct or educate his or their child or children, or suffer them to be instructed or educated in the popish religion, every such person being thereof convicted, shall be from thenceforth disabled of bearing any office or place of trust or profit in church or state: and all such children as shall be so brought up, instructed or educated, are and shall be hereby disabled of bearing any such office or place of trust or profit, until he and they shall be perfectly reconciled and converted to the church of *England*, and shall take the oaths of supremacy and allegiance aforesaid before the justices of the peace in the open quarter sessions of the county or place where they shall inhabit, and thereupon receive the sacrament of the Lord's supper after the usage of the church of *England*, and obtain a certificate thereof under the hands of two or more of the said justices of the peace.

No person not bred up in the popish religion by his parents shall breed up or suffer his children to be bred up in the popish religion. The penalty.

IX. And be it further enacted by the authority aforesaid, that at the same time when the persons concerned in this act shall take the aforesaid oaths of supremacy and allegiance, they shall likewise make and subscribe this declaration following, under the same penalties and forfeitures as by this act is appointed;

At the taking of the oaths to subscribe the declaration following.

I *A. B.* do declare, that I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.

The declaration.

X. Of which subscription there shall be the like register kept, as of the taking the oaths aforesaid.

A register to be kept of the subscription.

XI. Provided always, that neither this act, nor any thing therein contained, shall extend, be judged or interpreted any ways to hurt or prejudice the peerage of any peer of this realm, or to take away any right, power, privilege or profit, which any person (being a peer

This act not to extend to peerage.

Or creation
money.
Impost, pen-
sions, &c.

Or offices of
inheritance.

Or to make
void any pen-
sion granted
to any person
instrumental
in preserving
the king at
Worcester.

Popish offi-
cers who
have offices
of inherit-
ance, must
appoint de-
puties who
must take
the oaths,
&c.

And sub-
scribe.

The peers
may take the
oaths, &c. in
parliament.

A saving for
married
women, &c.

of this realm) hath or ought to enjoy by reason of his peerage, either in time of parliament or otherwise; or to take away creation money or bills of impost, nor to take away or make void any pension or salary granted by his majesty to any person for valuable and sufficient consideration for life, lives or years, other than such as relate to any office, or to any place of trust under his majesty, and other than pensions of bounty or voluntary pensions: nor to take away or make void any estate of inheritance granted by his majesty, or any his predecessors, to any person or persons of or in any lands, rents, tithes or hereditaments, not being offices; nor to take away or make void any pension or salary already granted by his majesty to any person who was instrumental in the happy preservation of his sacred majesty after the battle at *Worcester* in the year one thousand six hundred fifty-one, until his majesty's arrival beyond the seas; nor to take away or make void the grant of any office or offices of inheritance, or any fee, salary or reward for executing such office or offices, or thereto any way belonging, granted by his majesty or any his predecessors, to, or enjoyed, or which hereafter shall be enjoyed by, any person or persons who shall refuse or neglect to take the said oaths, or either of them, or to receive the sacrament, or to subscribe the declaration mentioned in this act, in manner therein expressed: nevertheless so as such person or persons having or enjoying any such office or offices of inheritance, do or shall substitute and appoint his or their sufficient deputy or deputies (which such officer or officers respectively are hereby empowered from time to time to make or change, any former law or usage to the contrary notwithstanding) to exercise the said office or offices, until such time as the person or persons having such office or offices shall voluntarily in the court of chancery, before the lord chancellor or lord keeper for the time being, or in the court of king's bench, take the said oaths, and receive the sacrament according to law, and subscribe the said declaration, and so as all and every the deputy and deputies so as aforesaid to be appointed, take the said oaths, receive the sacrament, and subscribe the said declaration from time to time, as they shall happen to be so appointed, in manner as by this act such officers whose deputies they be, are appointed to do; and so as such deputies be from time to time approved of by the king's majesty under his privy signet: but that all and every the peers of this realm shall have, hold and enjoy what is provided for as aforesaid, and all and every other person or persons before mentioned, denoted or intended within this proviso, shall have, hold and enjoy what is provided for as aforesaid, notwithstanding any incapacity or disability mentioned in this act.

XII. Provided also, that the said peers and every of them may take the said oaths, and make the said subscription, and deliver the said certificates, before the peers sitting in parliament, if the parliament be sitting within the time limited for doing thereof, and in the intervals of parliament in the high court of chancery, in which respective courts all the said proceedings are to be recorded in manner aforesaid.

XIII. Provided always, that no married woman, or person under the age of eighteen years, or being beyond or upon the seas, or found

by the lawful oaths of twelve men to be *non compos mentis*, and so being and remaining at the end of *Trinity* term in the year of our Lord one thousand six hundred seventy-three, having any office, shall by virtue of this act lose or forfeit any such his or her office (other than such married woman during the life of her husband only) for any neglect or refusal of taking the oaths, and doing the other things required by this act to be done by persons having offices, so as such respective persons within four months after the death of the husband, coming to the age of eighteen years, returning into this kingdom, and becoming of sound mind, shall respectively take the said oaths, and perform all other things in manner as by this act is appointed for persons to do, who shall happen to have any office or offices to them given or fallen after the end of the said *Trinity* term.

XIV. Provided also, that any person who by his or her neglect or refusal, according to this act, shall lose or forfeit any office, may be capable by a new grant of the said office, or of any other, and to have and hold the same again, such person taking the said oaths, and doing all other things required by this act, so as such office be not granted to, and actually enjoyed by, some other person at the time of the regranting thereof.

Any person forfeiting his office by virtue hereof, may upon taking of the oaths, &c. be capable of a new grant thereof.

XV. Provided also, that nothing in this act contained shall extend to make any forfeiture, disability, or incapacity in, by, or upon any non-commission officer or officers in his majesty's navy, if such officer or officers shall only subscribe the declaration therein required, in manner as the same is directed.

Not to extend to non-commission officers in the navy, if they subscribe the declaration.

XVI. Provided also, that nothing in this act contained shall extend to prejudice *George* earl of *Bristol*, or *Anne* countess of *Bristol* his wife, in the pension or pensions granted to them by patent under the great seal of *England*, bearing date the sixteenth day of *July* in the year of our Lord one thousand six hundred sixty and nine, being in lieu of a just debt due to the said earl from his majesty, particularly expressed in the said patent.

A saving for the pensions granted to the earl of Bristol and his lady.

XVII. Provided also, that this act, or any thing therein contained, shall not extend to the office of any high constable, petty constable, tithingman, headborough, overseer of the poor, churchwardens, surveyor of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chace, warren, or game, or of bailiff of any manor or lands, or to any like private offices, or to any person or persons having only any the before mentioned, or any the like offices.

Not to extend to constables, tithingmen, churchwardens, &c. Or private officers.

30 CHARLES 2, STAT. 2.—*An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament.*—Forasmuch as divers good laws have been made for preventing the increase and danger of popery in this kingdom, which have not had the desired effects, by reason of the free access which popish recusants have had to his majesty's court, and by reason of the liberty which of late some of the recusants have had and taken to sit and vote in parliament.

3 Car. 1, c. 2, [3.]

II. Wherefore, and for the safety of his majesty's royal person and government, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal,

and of the commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *December*, which shall be in the year of our Lord God one thousand six hundred seventy and eight, no person that now is or hereafter shall be a peer of this realm, or member of the house of peers, shall vote, or make his proxy in the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons after their speaker is chosen; until such peer or member shall from time to time respectively, and in manner following, first take the several oaths of allegiance and supremacy, and make, subscribe and audibly repeat this declaration following.

For these oaths, see 1 W. & M. sess 1, c. 1, s. 3, &c.

The declaration.

This declaration to be subscribed by all professed papists at their age of eighteen, by 1 Anne, st. 1, c. 32, s. 7.

The time and place of taking the oaths, and making and subscribing the declaration.

Members of parliament, not swearing and declar-

III. **I** *A. B.* do solemnly and sincerely in the presence of God profess, testify and declare, that I do believe that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the virgin *Mary* or any other *Saint*, and the sacrifice of the mass, as they are now used in the church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English* protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.

IV. Which said oaths and declaration shall be in this and every succeeding parliament solemnly and publicly made and subscribed betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there with their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as each house is called over by respectively.

V. And be it further enacted, that from and after the said first day of *December* every peer of this realm, and member of the house of peers, and every peer of the kingdom of *Scotland*, or of the kingdom of *Ireland*, being of the age of one and twenty years or upwards, not having taken the said oaths, and made and subscribed the said declaration; and every member of the said house of commons, not having as aforesaid taken the said oaths, and made and subscribed the said declaration; and every person now, or hereafter convicted

of popish recusancy, who hereafter shall at any time after the said first day of *December* come advisedly into or remain in the presence of the king's majesty or queen's majesty, or shall come into the court or house where they or any of them reside, as well during the reign of his present majesty (whose life God long preserve) as during the reigns of any his royal successors kings or queens of *England*; shall incur and suffer all the pains, penalties, forfeitures and disabilities in this act mentioned or contained; unless such peer, member or person so convicted, do respectively in the next term after such his coming or remaining, take the said oaths, and make and subscribe the said declaration in his majesty's high court of chancery between the hours of nine and twelve in the forenoon.

ing as aforesaid, and recusants convict, forbidden the king's or queen's presence.

VI. And be it further enacted by the authority aforesaid, that if any person that now is or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, shall presume to do any thing contrary to this act, or shall offend in any of the cases aforesaid; that then every such peer and member so offending shall from thenceforth be deemed and adjudged a popish recusant convict to all intents and purposes whatsoever, and shall forfeit and suffer as a popish recusant convict; and shall be disabled to hold or execute any office or place of profit or trust civil or military, in any of his majesty's realms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in any of his majesty's islands or foreign plantations to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy in the house of peers, or to sue or use any action, bill, plaint or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift; and shall forfeit for every wilful offence against this act the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint or information in any of his majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall lie.

The penalty upon members of parliament offending contrary to this act.

VII. And be it further enacted by the authority aforesaid, that from the said first day of *December* it shall and may be lawful to and for the house of peers and house of commons, or either of them respectively, as often as they or either of them shall see occasion, either in this present parliament, or any other hereafter to be holden, to order and cause all or any of the members of their respective houses of parliament, openly in their respective houses of parliament, to take the said oaths, and to make and subscribe the said declaration, at such times, and in such manner, as they shall appoint. And if any peer shall, contrary to such order made by their said house, wilfully presume to sit therein, without taking the said oaths, and subscribing the said declaration, according to the said order, every such peer or member of the house of peers, so presuming to sit, shall be adjudged, and is hereby declared to be incapable and disabled in law to all intents and purposes whatsoever, to sit in the said house of peers, and give any voice therein, either by proxy or otherwise howsoever, during that parliament: and if any member

Either house of parliament may cause any of their members to swear and subscribe as aforesaid.

or members of the house of commons shall, contrary to such order made by their house, wilfully presume to sit therein, without taking the said oaths, and making and subscribing the said declaration, every such member or members of the house of commons, so presuming to sit, shall be adjudged, and is hereby declared to be incapable and disabled in law to all intents and purposes whatsoever to sit in the said house of commons, or give any voice therein during that parliament.

The places of members of the house of commons disabled to vote, shall be void, and writs issue out for new elections.

VIII. And be it enacted, that in every case where any member, or members of the house of commons shall by virtue of this act be disabled to sit or vote in the house of commons, then and in every such case, without any further conviction or other proceedings against such member or members, the place or places for which they or any of them were elected, is hereby declared void; and a new writ or writs shall issue out of the high court of chancery by warrant or warrants from the speaker of the house of commons for the time being, and by order of the said house, for the election of a new member or members to serve in the house of commons, in the place or places of such member or members so disabled, to all intents and purposes, as if such member or members were naturally dead.

The king's and queen's sworn servants shall swear as aforesaid, and make and subscribe the said declaration.
25 Car. 2, c. 2.
Repealed by
2 Geo. 2,
c. 31, s. 9.

IX. And be it further enacted by the authority aforesaid, that from and after the first day of *December* one thousand six hundred seventy and eight, every person then being, and who after that time shall be, a sworn servant to the king's or queen's majesty, not having before that time duly taken the oaths, and made and subscribed the declaration contained in an act, intituled, *an act for preventing dangers which may happen from popish recusants*, shall take the said oaths, and make and subscribe the declaration before expressed, in his majesty's high court of chancery, in the manner aforesaid, either in the next term after the said first day of *December*, or in the next term after any such person shall be so sworn a servant; or in case of lawful impediment by sickness, proved upon oath, and allowed to be such under the hand of the lord chancellor or lord keeper for the time being, then in the next term after such impediment removed; and if any such person shall refuse or neglect to do the same, and yet after such refusal or neglect shall advisedly come into or remain in the presence of the king's or queen's majesty, or shall come into the court or house where they or any of them reside, as well during the reign of his present majesty, as during the reigns of his and their royal successors, kings or queens of *England*, and every of them, every such person shall be disabled to hold any place as such sworn servant, and shall incur and suffer all the pains, penalties, forfeitures and disabilities in this act mentioned or contained.

A provision for the queen to have eighteen popish servants.

X. Provided, that nothing in this act shall relate to or have any effect upon any person being a natural born subject of the king of *Portugal*, who now is or hereafter shall be a sworn servant to the queen's majesty, not exceeding nine in number at any one time: nor to such women servants as her majesty shall under her hand and seal from time to time for that purpose be pleased to nominate, the said women servants so nominated not exceeding the number of nine at any one time.

XI. And be it enacted, that during the time of taking of the said oaths, and making and subscribing the said declaration, all other matters and proceedings, as well in the said houses of parliament, as in the said court, shall cease; and the said oaths, declaration and subscription, together with a schedule of the names of the persons who shall by virtue of this act take and subscribe the same, shall be made, entered and filed in parchment rolls from time to time, duly provided for that purpose by the clerk of the house of lords, and the clerk of the house of commons, and by the clerk of the petty bag in chancery, for the several and respective uses as aforesaid; and none of the peers or members shall give or pay any fee or reward to any such clerk, above the sum of twelve-pence for the entry of his taking the said oaths, and making and subscribing the said declaration: all which rolls respectively the said clerks are hereby required from time to time, without any fee or reward, to shew to any person desiring to look upon the same: and the said house of peers, and house of commons, and court of chancery are hereby severally empowered and required in the first place, all other business laid aside, to administer the said oaths, declaration and subscription respectively, as occasion shall be from time to time, to all and every the person and persons aforesaid, duly demanding the same, according to the directions, purport and meaning of this present act.

XII. Provided always, that this act, nor any thing herein contained, shall extend to the prejudice of any person for coming into or remaining in the presence of the king or queen's majesty, who shall first have licence so to do by any warrant under the hands and seals of six or more privy councillors, by order of his majesty's privy council, upon some urgent occasion therein to be expressed, so as such licence exceed not the space of ten days, and that the said licence be first filed and put upon record in the office of the petty bag in chancery, for any body to view without fee or reward, and no person be licenced for above the number of thirty days in any one year.

Such as have licence from six privy councillors, may come into the king's or queen's presence, notwithstanding this act.

XIII. Provided nevertheless, that if any offender contrary to this act shall at any time after such offence take the said oaths, and make and subscribe the said declaration, in his majesty's high court of chancery, and in the manner aforesaid, every such person shall be from thenceforth freed and discharged of and from all seizures, penalties and losses which he might otherwise sustain or bear for or by reason of being a popish recusant convict by virtue of this act; and shall be freed and discharged from all disabilities and incapacities incurred thereby; so as such freedom and discharge extend not to restore any such person to any office or place filled and supplied upon voidance by this act; nor to any other office till after the expiration of one year from the taking the said oath, and making the declaration aforesaid; nor to make void, or at any time discharge the said forfeiture of five hundred pounds, incurred as aforesaid.

Offenders against this act that shall take the said oaths, &c. shall be discharged of all penalties, &c.

XIV. Provided always, that nothing in this act contained shall extend to his royal highness the duke of York.

A proviso for the duke of York.

1 WILLIAM & MARY, SESS. 1, CAP. 1.—*An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 424.

1 WILLIAM & MARY, CAP. 9.—*An act for the removing papists, and reputed papists, from the cities of London and Westminster, and ten miles distance from the same.*—Whereas the great numbers of papists resorting to the cities of *London* and *Westminster* are and for a long time have been found dangerous to the peace and safety of this kingdom: for the better preservation of the common safety, and avoiding their mischievous practices and designs:

Bac. Abr. 784
& 786.
Burn v. 2,
318.

Lord mayor,
&c. may tender declaration of 30 Car. 2, to papists or so reputed.

Sussex mistaken for Essex, infra s. 1, c. 17.

30 Car. 2,
stat. 2, c. 1.

Penalty for refusal.

Justices of peace shall certify subscribers and refusers into the king's bench, &c.

Penalty upon persons certified to have refused, if he take not the oaths next term, &c.

Tradesmen, &c. excepted, if they certify their names, &c. at the sessions.

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that for the better discovering and removing all papists and reputed papists out of the said cities, and ten miles of the same, it shall and may be lawful, and it is hereby required, that the lord mayor of *London* for the time being, and every justice of the peace of the city of *London*, and for the city and liberties of *Westminster*, and borough of *Southwark*, and of the counties of *Middlesex*, *Surrey*, *Kent*, and *Sussex*, within their respective counties, cities, boroughs, and limits, do from time to time cause to be arrested and brought before him every person or persons, not being a merchant foreigner, within the said cities, or within ten miles of the same, as are or are reputed to be papists, and tender unto him the declaration mentioned in the statute made in the thirtieth year of king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*: and in case such person, upon such tender, refuse audibly and solemnly to repeat, make, and subscribe the said declaration, and shall after such refusal remain, continue, or be within the said city or cities, or ten miles distance from the same, that in every such case he or she shall forfeit and suffer, as a popish recusant convict by the laws already established shall or may forfeit or suffer.

III. And it is hereby further enacted, that every justice of peace shall and do certify all and every subscription before him by virtue of this act taken, and likewise the names of all and every person refusing to repeat, take, make, or subscribe, as aforesaid, upon tender, under the hand and seal of the said justice, into the court of king's bench, the next term, or else at the next quarter sessions that shall be of or for the county or place where such taking, subscribing, or refusal shall happen: and if the said person, so refusing and certified, shall not, within the next term or sessions after such refusal, appear in the court of king's bench or sessions where such certificate shall be returned, and in open court audibly and solemnly repeat, take, make, and subscribe the declaration aforesaid, and indorse or enter his so doing upon the certificate so returned, shall be, from the time of such his neglect or refusal, taken, esteemed, and adjudged a popish recusant convict, and as such to forfeit and be proceeded against.

IV. Provided always, that this act shall not extend to such person or persons as now use any trade, mystery, or manual occupation within the said liberties of *London* and *Westminster*, or within ten miles of the same; nor to such as within six months before the thirteenth day of *February* one thousand six hundred eighty-eight,

had their dwellings or places of abode within the said cities, or ten miles compass of the same, not having any dwelling or place of abode elsewhere, so as he or they before the first day of *August* one thousand six hundred eighty-nine, do certify his or their names, additions, and places of abode, at the sessions of the peace to be held for the said respective cities, counties, or places: and the clerk of the peace shall not take or receive above two-pence for the entry of the name, addition, and place of abode of any one person.

V. Provided, that nothing in this act shall relate to, or have any effect upon, any foreigner that is or shall be a menial servant to any ambassador, or public agent.

Ambassadors' servants excepted.

VI. Provided, that nothing in this act shall relate to, or have any effect upon, any person being a natural born subject of the king of *Portugal*, who now is, or hereafter shall be, a sworn servant to the queen dowager, nor to any other servants being natural born subjects of their majesties, as her majesty the queen dowager shall under her hand and seal from time to time for that purpose be pleased to nominate, the said servants so nominated not exceeding the number of thirty at any one time, so as none of the said servants, being natural born subjects of their majesties, be a jesuit, priest, monk, or friar; any law or statute to the contrary notwithstanding.

Queen dowager's servants excepted.

1 WILLIAM & MARY, CAP. 15.—*An act for the better securing the government by disarming papists and reputed papists.*—For the better securing the government against papists and reputed papists:

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, that it shall and may be lawful for any two or more justices of the peace, who shall know or suspect any person to be a papist, or shall be informed that any person is, or is suspected to be a papist, to tender, and they are hereby authorized and required forthwith to tender to such person so known or suspected to be a papist, the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to be by him made, repeated, and subscribed: and if such person so required shall refuse to make, repeat, and subscribe the said declaration, or shall not make, repeat, and subscribe the said declaration, or shall refuse or forbear to appear before the said justices, for the making, repeating, and subscribing the said declaration, upon notice to him given or left at his usual place of abode, by any person authorized in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be, liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Two justices of peace may tender declaration of 30 Car. 2, to papists, &c. For Scotland see 1 Geo. 1, stat. 2, c. 20, s. 16.

30 Car. 2, stat. 2, c. 1.

Penalty upon refusers.

III. And be it hereby further enacted, that the said justices of peace shall certify the name, surname, and usual place of abode of every person, who being required, shall refuse or neglect to make, repeat, and subscribe the said declaration, or to appear before them for the making, repeating, and subscribing the said declaration, as

Justices of peace shall certify the subscribers and refusers to the sessions.

also of every person who shall make, repeat, and subscribe the said declaration, at the next general quarter sessions to be holden for the shire, riding, division, or liberty, for which they shall be justices of the peace, to be there recorded by the clerk of the peace, or town clerk, and kept amongst the records of the said sessions.

Refuser
shall keep
no arms.
Bac. v. 3, 783.
Burn, v. 2,
323.

Two justices
of peace may
seize arms.

IV. And for the better securing their majesties' persons and government; be it further enacted and declared, that no papist or reputed papist, so refusing or making default, as aforesaid, shall or may have or keep in his house, or elsewhere, or in the possession of any other person to his use, or at his disposition, any arms, weapons, gunpowder, or ammunition (other than such necessary weapons, as shall be allowed to him by order of the justices of the peace, at their general quarter sessions, for the defence of his house or person) and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may authorize and empower any person or persons in the day-time, with the assistance of the constable or his deputy, or the tithingman, or headborough, where the search shall be (who are hereby required to be aiding and assisting herein) to search for all arms, weapons, gunpowder, or ammunition, which shall be in the house, custody, or possession of any such papist or reputed papist, and seize the same for the use of their majesties, and their successors; which said justices of the peace shall from time to time, at the next general quarter sessions to be held for the county, riding, division, or liberty, where such seizure shall be made, deliver the said arms, weapons, gunpowder, and ammunition, in open court, for the use aforesaid.

Penalty upon
refuser for
not discover-
ing or hin-
dering the
search for
his arms.

V. And be it further enacted, that every papist, or reputed papist, who shall not, within the space of ten days after such refusal or making default as aforesaid, discover and deliver, or cause to be delivered, to some of their majesty's justices of the peace, all arms, weapons, gunpowder, or ammunition whatsoever, which he shall have in his house or elsewhere, or which shall be in the possession of any person to his use, or at his disposition, or shall hinder or disturb any person or persons, authorized by warrant under the hands and seals of any two justices of the peace, to search for and seize the same, that every such person so offending, contrary to the statute in this behalf made, shall be committed to the common gaol of the county or place where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain, without bail or mainprize, for the space of three months, and shall also forfeit and lose the said arms, and pay treble the value of them to the use of their majesties, and their successors, to be appraised by the justices of the peace, at the next general quarter sessions to be held for the said county, riding, or division, to their majesties and their successors.

Penalty upon
concealers of
arms.

VI. And be it further enacted, that every person who shall conceal, or be privy, or aiding, or assisting to the concealing, or who knowing thereof, shall not discover or declare to some of their majesties' justices of the peace, the arms, weapons, gunpowder, or ammunition of any person so refusing, or making default, as aforesaid, or shall hinder or disturb any person or persons, authorized as aforesaid, in searching for, taking, and seizing the same,

shall be committed to the common gaol of the county or place where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain without bail or mainprize for the space of three months; and shall also forfeit and lose treble the value of the said arms to their majesties and their successors.

VII. And be it further enacted, that if any person or persons shall discover any concealed arms, weapons, ammunition, or gunpowder, belonging to any refusing or making default as aforesaid, so as the same may be seized as aforesaid, for the use of their majesties and their successors, the justices of the peace, upon delivery of the same at the general quarter sessions as aforesaid, shall have power, and they are hereby required, as a reward for such a discovery, by order of sessions, to allow to him or them a sum of money, amounting to the full value of the arms, weapons, ammunition, or gunpowder so discovered; the said sum to be assessed by the judgment of the said justices at their said sessions, and to be levied by distress and sale of the goods of the person offending against this act, rendering the overplus which shall arise by such sale, above the said sum so allowed, and above the necessary charges of taking such distress, to the owner.

Reward to discoverer of refusers arms.

VIII. Provided always, that if any person, who shall have refused or made default as aforesaid, shall desire to submit and conform, and for that purpose shall present himself before the justices of peace, at the general quarter sessions to be holden for the county, riding, division, or liberty, where his refusal, or making default, as aforesaid, shall be certified as aforesaid, and shall there in open court make, repeat, and subscribe the said declaration contained in the said act, made in the said thirtieth year of the reign of the said late king *Charles* the second, and take the several oaths contained in an act made in this present parliament, intituled, *an act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament*; he shall from thenceforth be discharged of and from all disabilities and forfeitures, which he might or should be liable to for the future, by reason of his refusal or default as aforesaid.

Refusers subscribing the declaration, penalty discharged.

Supra c. 1.

IX. And be it further enacted, that no papist, or reputed papist, so refusing or making default as aforesaid, at any time after the fifteenth day of *May* in the year of our Lord one thousand six hundred eighty-nine, shall or may have or keep, in his own possession, or in the possession of any other person to his use, or at his disposition, any horse or horses, which shall be above the value of five pounds, to be sold; and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may and shall authorize any person or persons, with the assistance of the constable or his deputy, or the tithingman, or headborough, when the search shall be (who are hereby required to be aiding and assisting herein) to search for and seize, for the use of their majesties and their successors, all such horses; which horses are hereby declared to be forfeited to their majesties and their successors.

Papists' horses above £5 value forfeited.

X. And be it further enacted, that if any person shall conceal, or be aiding or assisting in the concealing any such horse or horses

Penalty upon concealer of

papists'
horses.

belonging to any papist, or reputed papist, so refusing or making default as aforesaid, after the said fifteenth day of *May*, such person shall be committed to prison by such warrant as aforesaid, there to remain without bail or mainprize by the space of three months, and shall also forfeit and lose to their majesties and their successors treble the value of such horse or horses; which value is to be settled as aforesaid.

Supra c. 9.

1 WILLIAM & MARY, CAP. 17.—*An act for rectifying a mistake in a certain act of this present parliament*, for the removing papists from the cities of *London* and *Westminster*.—Whereas in an act of this present parliament, intituled, *an act for the removing papists, and reputed papists, from the cities of London and Westminster, and ten miles distance from the same*, the county of *Sussex* is by mistake in the said act inserted for the county of *Essex*:

Sussex
changed into
Essex.

II. Be it enacted by the king's and queen's most excellent majesties, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every the powers and authorities by the said recited act given to the justices of the peace of the county of *Sussex*, be and are hereby declared and enacted to extend to the county of *Essex*, and the justices of peace of the said county of *Essex*, and limits thereof.

1 WILLIAM & MARY, CAP. 26.—*An act to vest in the two universities the presentations of benefices belonging to papists*.—See Title—"ADVOWSONS," vol. i. p. 103.

£100 reward
for taking
popish bi-
shop, priest,
or jesuit, &c.
convicted of
saying mass,
&c.

11 & 12 WILLIAM 3, CAP. 4.—*An act for the further preventing the growth of popery*.—Whereas there has been of late a much greater resort into this kingdom than formerly of popish bishops, priests and jesuits, and they do very openly, and in insolent manner, affront the laws, and daily endeavour to pervert his majesty's natural born subjects, which has been occasioned, by neglect of the due execution of the laws already in force: for preventing the further growth of popery, and of such treasonable and execrable designs and conspiracies against his majesty's person and government, and the established religion, as have lately, as well as frequently heretofore, been brought to light, and happily defeated by the wonderful providence of God; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, that from and after the five and twentieth day of *March* one thousand and seven hundred, all and every person and persons, who shall apprehend and take one or more popish bishop, priest or jesuit, and prosecute him or them so apprehended and taken, until he or they be convicted of saying mass or of exercising any other part of the office or function of a popish bishop or priest within these realms, shall have and receive from the sheriff or sheriffs of the county where such conviction shall be made (without paying any fee for the same) for every such offender so convicted, the sum of one hundred pounds within four months after such conviction, and demand thereof made, by tendering a certificate to the said sheriff or sheriffs, under the hand or hands of the judge or justices before whom such conviction shall be made,

to be paid by
the sheriff,
&c.

certifying the conviction of such popish bishop, priest or jesuit, and also that such popish bishop, priest or jesuit, popish bishops, priests or jesuits, was or were taken by the person or persons claiming the said reward: and in case any dispute shall happen to arise between the persons so apprehending any popish bishop, priest or jesuit, touching their right and title to the said reward, that then the said judge or justices so respectively certifying as aforesaid, shall in and by their said certificate direct and appoint the said reward to be paid unto and amongst the parties claiming the same, in such share and proportion as to the said judge or justices shall seem just and reasonable; and if it shall happen any such sheriff or sheriffs shall die, or be removed, before the expiration of four months, after such conviction and demand made of the said reward (not being paid as aforesaid) that then the next succeeding sheriff or sheriffs of the said county shall pay the same, within two months after demand, and certificate brought as aforesaid; and if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs, so making default, shall forfeit to the person or persons to whom such money is due as aforesaid, two hundred pounds, to be recovered by him or them, or his or their executors or administrators, in any of his majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein but one imparlance, and no essoin, protection or wager of law shall be allowed with full costs of suit by him or them expended in the recovery of the same.

In case of dispute about sharing the reward, judge to proportion the same.

Penalty on sheriff making default of payment.

II. And it is hereby further enacted, that all sheriffs, their successors, executors or administrators, upon producing such respective certificates, or a duplicate or duplicates thereof, shall have the monies contained in such certificate paid to them by the lord treasurer, or commissioners of his majesty's treasury for the time being, out of the revenue of the crown.

Sheriffs to be repaid by the treasury.

III. And for a further remedy against the growth of popery, over and beyond the good laws already made, be it further enacted by the authority aforesaid, that if any popish bishop, priest or jesuit whatsoever, shall say mass, or exercise any other part of the office or function of a popish bishop or priest within these realms, or the dominions thereunto belonging, or if any papist, or person making profession of the popish religion, shall keep school, or take upon themselves the education or government, or boarding of youth in any place within this realm, or the dominions thereunto belonging, such person or persons being thereof lawfully convicted, that then every such person shall on such conviction be adjudged to perpetual imprisonment, in such place or places within this kingdom, as the king by advice of his privy council shall appoint.

Penalty on popish bishop, priest, &c. saying mass, &c.

or keeping school, &c.

IV. And be it also further enacted by the authority aforesaid, that from and after the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand seven hundred, if any person educated in the popish religion, or professing the same, shall not within six months after he or she shall attain the age of eighteen years, take the oaths of allegiance and supremacy, and also subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles* the second,

Papists, not taking the oaths in six months after eighteen years of age.

30 Car.2, st.2.

Incapable to inherit any lands, &c.

Next of kin, being a protestant, to enjoy the same and not accountable, &c. except for wilful waste.
Explained by 3 Geo. 1, c. 18, s. 4.

Papist, &c. incapable to purchase lands, &c.

Act not to extend to popish priest saying mass, &c. in foreign minister's house, so as he be not king's natural born subject, &c.

3 Jac. 1, c. 5.

intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to be by him or her made, repeated and subscribed in the courts of chancery or king's bench, or quarter sessions of the county where such person shall reside, every such person shall in respect of him or herself only, and not to or in respect of any of his or her heirs or posterity, be disabled and made incapable to inherit or take by descent, devise or limitation, in possession, reversion or remainder, any lands, tenements or hereditaments, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*: and that during the life of such person, or until he or she do take the said oaths, and make, repeat and subscribe the said declaration in manner as aforesaid, the next of his or her kindred, which shall be a protestant, shall have and enjoy the said lands, tenements and hereditaments, without being accountable for the profits by him or her received during such enjoyment thereof as aforesaid: but in case of any wilful waste committed on the said lands, tenements or hereditaments, by the person so having or enjoying the same, or any other by his or her licence or authority, the party disabled, his or her executors and administrators, shall and may recover treble damages for the same, against the person committing such waste, his or her executors or administrators, by action of debt in any of his majesty's courts of record at *Westminster*; and that from and after the tenth day of *April*, which shall be in the year of our Lord one thousand seven hundred, every papist, or person making profession of the popish religion, shall be disabled, and is hereby made incapable, to purchase, either in his or her own name, or in the name of any other person or persons, to his or her use, or in trust for him or her, any manors, lands, profits out of lands, tenements, rents, terms or hereditaments, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*; and that all and singular estates, terms, and any other interests or profits whatsoever out of lands, from and after the said tenth day of *April*, to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions and purposes whatsoever.

V. Provided always, that nothing in this act contained shall be construed to extend to any popish priest for saying mass, or officiating as a priest, within the dwelling house of any foreign minister residing here, so as such priest be not one of his majesty's natural born subjects, nor naturalized within any of his kingdoms or dominions, and so as the name of such priest, and the place of his birth, and the foreign minister to whom he shall belong, be entered and registered in the office of the principal secretary of state.

VI. And whereas by an act made in the third year of king *James* the first, intituled, *an act to prevent and avoid dangers which may grow by popish recusants*, whosoever shall be convicted of sending, or causing to be sent, any child, or any other person under their government, into parts beyond the seas out of the king's obedience, to the intent that such child or person so sent should be educated

in the Romish religion, contrary to the said act, is to forfeit one hundred pounds, one half to the king's majesty, and the other half to him that shall sue for the same: for the greater encouragement and reward of those who shall discover such offenders, be it enacted by the authority aforesaid, that the said sum of one hundred pounds shall be to the sole use and benefit of him or her who shall discover and convict any person so offending, to be recovered in such manner as in the said recited act is enacted; any thing in the said act to the contrary notwithstanding.

Person convicted of sending child, &c. beyond sea, to be educated in the Romish religion, to forfeit £100.

VII. And to the end that the protestant children of popish parents may not in the lifetimes of such their parents, for want of fitting maintenance, be necessitated, in compliance with their parents, to embrace the popish religion, contrary to their own inclinations; be it enacted by the authority aforesaid, that from and after the said five and twentieth day of *March* one thousand seven hundred, if any such parent, in order to the compelling such his or her protestant child to change his or her religion, shall refuse to allow such child a fitting maintenance, suitable to the degree and ability of such parent, and to the age and education of such child, then upon complaint thereof made to the lord high chancellor of *England*, or lord keeper of the great seal, or commissioners for the great seal for the time being, it shall be lawful for the said lord chancellor, lord keeper or commissioners, to make such order therein as shall be agreeable to the intent of this act.

Popish parent refusing to allow his protestant child, &c. fitting maintenance, on complaint thereof, lord chancellor, &c. to make order therein

12 ANNE, STAT. 2, CAP. 14.—*An act for rendering more effectual an act made in the third year of the reign of king James the first, intituled, an act to prevent and avoid dangers which may grow by popish recusants; and also of one other act made in the first year of the reign of their late majesties king William and queen Mary, intituled, an act to vest in the two universities the presentations of benefices belonging to papists; and for vesting in the lords of justiciary power to inflict the same punishments against jesuits, priests and other trafficking papists, which the privy council of Scotland was empowered to do by an act passed in the parliament of Scotland, intituled, an act for preventing the growth of popery.*—Forasmuch as by an act of parliament made in the third year of the reign of king *James* the first, intituled, *an act to prevent and avoid dangers which may grow by popish recusants*, and also one other act made in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled, *an act to vest in the two universities the presentations of benefices belonging to papists*, the presentation, nomination, collation and donation of and to benefices, prebends or ecclesiastical livings, schools, hospitals and donatives belonging to popish recusants, and other persons thereby disabled to present, collate or nominate, are given to the two universities; but they are so given only where such persons are and stand convicted by such ways and means as in the said recited acts are mentioned and provided; which acts do nevertheless prove ineffectual for such purposes, by reason such patrons are not convicted, or not in such manner as the said acts do direct and appoint: therefore for making the said laws more effectual, and for the speedier and easier vesting the presentations to such benefices in the two universities, according to the intention of the said laws, be it enacted

3 Jac. 1, c. 4.

1 W. & M. sess. 1, c. 26.

After 10 July
1714, papists,
&c. disabled
to present to
any benefice,
&c.
7 Jac. 1, c. 6.
25 Car. 2, c. 2.

And the two
universities
shall have
the presen-
tation, &c. in
the respec-
tive counties
&c. mention-
ed in 3 Jac. 1,
c. 5.

When any
presentation
is brought to
any arch-
bishop, &c.
he may ten-
der to the
person, if
present, the
declaration
in 25 Car. 2,
c. 2.

If absent,
summon him
to appear.

by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every papist or person making profession of the popish religion, and every child not being a protestant, under the age of one and twenty years, of every such papist or person professing the popish religion, and every mortgagee, trustee or person anyways entrusted, directly or indirectly, mediately or immediately, by or for any such papist or person making profession of the popish religion, or such child, as aforesaid, whether such trust be declared by writing or not, shall, from and after the tenth day of *July* which shall be in the year of our Lord one thousand seven hundred and fourteen, be disabled, and is hereby made incapable to present, collate or nominate to any benefice, prebend, or ecclesiastical living, school, hospital or donative, or to grant any avoidance of any benefice, prebend or ecclesiastical living; and that every such presentation, collation, nomination and grant, and every admission, institution, and induction, to be made thereupon, shall be utterly void and of no effect, to all intents, constructions and purposes whatsoever; and that in every such case the chancellor and scholars of the university of *Oxford*, and the chancellor and scholars of the university of *Cambridge*, by what name or names soever they or either of them are incorporated, shall respectively have the presentation, nomination, collation and donation, of and to every such benefice, prebend or ecclesiastical living, school, hospital and donative, set, lying and being in the respective counties, cities and other places and limits in the said act of the third year of king *James* mentioned, as in and by the said act is directed and appointed in the case of a popish recusant convict.

II. And be it further enacted by the authority aforesaid, that from and after the said tenth day of *July*, when and as often as any presentation to any benefice or ecclesiastical living shall be brought to any archbishop, bishop or other ordinary, from any person who shall be reputed to be, or whom such archbishop, bishop or other ordinary shall have cause to suspect to be a papist, or trustee of any person making profession of the popish religion, or suspected to be such, it shall and may be lawful to and for such archbishop, bishop, or other ordinary, and he is hereby required to tender or administer to every such person, if present, the declaration against transubstantiation, set down and expressed in an act of parliament made in the five and twentieth year of the reign of the late king *Charles* the second, intituled, *an act for preventing dangers which may happen from popish recusants*, to be by such person made, repeated and subscribed; and in case such person shall be absent, the said archbishop, bishop or other ordinary shall, by notice in writing to be left at the place of habitation of such person, appoint some convenient time and place when and where such person shall appear before such archbishop, bishop or other ordinary, or some persons to be authorized by such archbishop, bishop or other ordinary, by commission under his or their seal of office; and upon such appearance, the said archbishop, bishop or other ordinary, or such commissioners, shall tender or administer the said declaration to the person making

such presentation; and in case such person shall neglect or refuse to make, repeat and subscribe such declaration, when the same shall be so tendered, as aforesaid, or shall neglect or refuse to appear before such archbishop, bishop or other ordinary, or such commissioners, upon such notice as aforesaid, that then such presentation shall be utterly void and of none effect; and in every such case, such archbishop, bishop or other ordinary shall, within ten days next after such neglect or refusal, send and give a certificate under his or their seal of office of such neglect or refusal to the vice-chancellor for the time being, of that university to whom such presentation would of right belong, if such person so presenting had been a popish recusant convict; and it shall and may be lawful, to and for the chancellor and scholars of such university to present a person qualified according to the said acts to such benefice or ecclesiastical living; and the presentation to such benefice or ecclesiastical living, for that turn only, is hereby given unto, and vested in them for that purpose; any matter, clause or thing contained in either of the said former recited acts to the contrary thereof notwithstanding.

Refusing to make the declaration, or to appear the presentation shall be void:

And the archbishop, &c. shall certify such refusal to the university, who shall present &c.

III. And for the better discovery of all secret trusts, and fraudulent conveyances made by papists or persons making profession of the popish religion, of their advowsons and right of presentation, nomination and donation, to any benefices or ecclesiastical livings; be it further enacted by the authority aforesaid, that when the presentation of any person presented to any benefice or ecclesiastical living, shall be brought to any archbishop, bishop or other ordinary, the said archbishop, bishop or ordinary is hereby required, before he give institution, to examine the person presented upon oath, whether to the best and utmost of his knowledge and belief, the person or persons who have made such presentation, be the true and real patron or patrons of the said benefice or ecclesiastical living, or made the said presentation in his or her, or their own right, or whether such person or persons so presenting be not, mediately or immediately, directly or indirectly, trustee or trustees, or any way intrusted for some other, and what person or persons by name, who is or are papists, or make profession of the popish religion, or the children of such, or for any other and what person or persons, or what he knows, has heard or believes, touching or concerning the same; and if such person or persons so presented shall refuse to be so examined, or shall not answer directly thereto, then and in every such case such presentation shall be void.

Bishops, &c. to examine persons presented on oath.

Refusing to be examined, the presentation shall be void.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the chancellor and scholars of the respective universities, to whom the presentations to such benefices and ecclesiastical livings should belong, in case the rightful patrons had been popish recusants convict, and their presentees or clerks, for the better discovery of such secret and fraudulent trusts, had, done, made and created, by or for such papists or persons professing the popish religion, and their children, as aforesaid, to exhibit their bill in any court of equity against such person or persons presenting, and such person or persons as they have reason to believe to be the *cestuique trust* of the advowson of such benefice or ecclesiastical living, or any other person who they have cause to suspect may be

University may exhibit bills in chancery for the discovery of fraudulent trusts.

able to make any other or further discovery of such secret trusts and practices; to which bill the defendants therein named, being duly served with the process of the court in which the said bill shall be exhibited, shall forthwith directly answer to the facts charged and inquired in the said bill, at the discretion of the court where such bill shall be exhibited; and in case the defendants, or any of them, shall refuse or neglect to answer the said bill in such reasonable time as shall be for that purpose allowed and appointed, by discretion of the said court where the said cause shall be depending, (the distance of place and the circumstances of the defendant or defendants considered) that then and in such case the said bill shall be taken *pro confesso*, and be allowed as evidence against such person so neglecting and refusing, and his trustee or trustees, and his and their clerk; provided that every person having fully answered such bill in such court of equity, and not knowing any thing of any such trust for a papist or other person disabled, as aforesaid, shall be entitled to his costs, to be taxed according to the course of the court.

When any *quare impedit* is depending, the court may administer an oath to discover any secret trust.

And if it appear that the patron is a trustee, he shall discover for whom, or be punished as guilty of a contempt.

Court may order the person for whom such patron is a trustee to appear and make the declaration, &c. who refusing shall be esteemed a recusant convict.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the court where any *quare impedit* shall be hereafter depending, at the instance of either of the said chancellors and scholars, or their clerk, being plaintiffs or defendants in such suit, by motion in open court, at their discretion, to make any rule or order requiring satisfaction, upon the oath of such patron and his clerk, who in the said suit shall contest the right of the said university to present to such benefice or ecclesiastical living, by examination of them or either of them, in open court, or by commission under the seal of such court for examination of them or either of them, or by affidavit, as the said court shall find most proper, in order to the discovery of any secret trust, frauds or practices relating to the said presentation then in question; and in case it appear to the court, upon the examination of such patron and clerk or either of them, that the said patron is but a trustee for some other person or persons, that then the said patron and his clerk shall discover who such person and persons are, and where he, she, or they live or inhabit; and upon their refusal to make such discovery, or to give such satisfaction, as aforesaid, they shall be punished as persons that are guilty of a contempt to the said court; and in case such patron or his clerk shall discover the person for whom the said patron is a trustee, that then and in such case the said court, upon motion made in open court, shall make a rule or order, that the person or persons, for whom the said patron is a trustee, shall, in the said court, or before commissioners to be appointed for that purpose, under the seal of the said court, make, repeat and subscribe the declaration against transubstantiation hereinbefore mentioned, and likewise, on pain of incurring a contempt against the said court, give such further satisfaction upon oath, touching or relating to the said trust, as the said court shall think fit; and such person so required to make, repeat and subscribe the said declaration, and refusing or neglecting so to do, shall be esteemed as a popish recusant convict, in respect of such presentation.

VI. And be it further enacted, that the answer of such patron and patrons, and the person for whom he or they are anyways intrusted, and his and their clerk, or any of them, and his and their or any of their examinations and affidavits taken, as aforesaid, by order of any court where such *quare impedit* shall be depending, or by any archbishop, bishop, or other ordinary, or the commissioners, as aforesaid, (which examinations shall therefore be reduced into writing, and signed by the party examined) shall be allowed as evidence against such patron so presenting, and his clerk.

The answer of such patron, &c. to be allowed as evidence.

VII. Provided always, that no such bill, nor any discovery to be made by any answer thereunto, or to any such examination, as aforesaid, shall be made use of to subject any person making any such discovery, or not answering such bill, to any penalty or forfeiture, other than the loss of the presentation then in question.

Persons making such discovery, liable only to the loss of the presentation

VIII. And it is hereby further enacted, that in case of any such bill or bills of discovery, as aforesaid, exhibited in any court of equity by the chancellor and scholars of either of the said universities, or their presentee, no lapse shall incur, nor plenarty be a bar, against such chancellor and scholars, in respect of the benefice or ecclesiastical living, touching which such bill shall be so exhibited, till after three months from the time that the answer to such bill shall be put in, or the same be taken *pro confesso*, or the prosecution thereof deserted; provided that such bill or bills be exhibited before any lapse incurred.

If such bill be exhibited by the university, no lapse shall incur, &c. till three months after the answer put in, &c.

IX. And whereas it hath been doubted whether any writ of *quare impedit* brought by the respective universities, for any presentation, nomination, collation or donation pursuant to the said recited acts, or either of them, may be brought by them, in or by the name of chancellor and scholars, or ought to be by their true name of incorporation respectively; it is hereby declared, that the said respective chancellor and scholars of the said universities are by this act, and were by the said former acts, entitled to sue any writ of *quare impedit* by the name of chancellor and scholars of the university of *Oxford*, and chancellor and scholars of the university of *Cambridge* respectively, or by their respective proper names of incorporation at their election.

The university may sue any writ of *quare impedit*, &c.

X. And be it further enacted, that in case of any trust for any papist, or person professing the popish religion, confessed or discovered in and by any answer to such bill, as aforesaid, or such examination, as aforesaid, it shall and may be lawful for the court where such discovery shall be made, and such court is hereby enabled, to enforce the producing of the deeds creating and relating to the said trusts, by such methods as they shall find proper.

The court may enforce the producing of deeds relating to trusts.

XI. Provided always, that nothing hereinbefore contained shall extend to that part of *Great Britain* called *Scotland*.

Notto extend to Scotland.

XII. And whereas by the determination of the late privy council of *Scotland*, the punishments contained in an act of the parliament of *Scotland*, passed in the eighth session of the first parliament of king *William*, intituled, *an act for preventing the growth of popery*, cannot be fully put in execution against jesuits, priests, and other trafficking papists, who disguise and shelter themselves under borrowed names, to avoid the penalty of the law; it is therefore hereby

The lords of justiciary may inflict the same punishments on jesuits, &c. which the privy council of Scotland was

empowered
to do by an
act passed in
that king-
dom.

enacted, and be it enacted by the authority aforesaid, that the lords of her majesty's justiciary in *Scotland* be hereby empowered to inflict the same punishments against jesuits, priests, and other trafficking papists, which the privy council of *Scotland* was empowered to do by the aforesaid act of parliament.

1 GEORGE 1, STAT. 2, CAP. 47.—*An act for the more effectual and exemplary punishment of such persons as shall seduce soldiers to desert, or who, being papists, shall enlist themselves in his majesty's service in Great Britain or Ireland, or in the islands of Jersey or Guernsey.*—

Whereas a pernicious and dangerous practice has been industriously carried on in these kingdoms of *Great Britain* and *Ireland*, by papists and other evil-disposed persons, disaffected to his majesty's title and government, under false and groundless pretences, to delude his good subjects, who had engaged themselves as soldiers in the service of his majesty and their country, and to prevail with them by corrupt and direct means to desert the same, oftentimes in order to procure their assistance for a popish pretender, the avowed enemy of the protestant religion, and the laws and liberties of these kingdoms; for which wicked purposes the said papists and other evil-disposed persons have with great diligence frequented the public houses, and other places where the said soldiers used to resort, or are quartered, and by entertainments, seditious speeches, and vain promises, have often seduced his majesty's said subjects from their duty and allegiance; for remedy whereof for the future, and for the more effectual and exemplary punishment of all offenders in that behalf, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the

After June 1,
1716, persons
persuading,
&c. soldiers
to desert
shall forfeit
£40.

same, that if any person or persons whatsoever (other than such as are or shall be enlisted as soldiers, against whom sufficient remedy is already provided by law) shall, from the first day of *June* in the year of our Lord one thousand seven hundred and sixteen, in *Great Britain* or *Ireland*, or the isles of *Jersey* or *Guernsey*, by words or other means whatsoever, directly, or indirectly, persuade or procure any soldier or soldiers in the service of his majesty, his heirs, or successors, to desert or leave such service, or shall go about and endeavour in manner aforesaid, to persuade, prevail on or procure such soldier or soldiers to desert or leave such service as aforesaid, every such person or persons so offending as aforesaid, and being thereof lawfully convicted, shall, for every such offence, forfeit to his majesty, his heirs or successors, or to any other person or persons who shall sue for the same, the sum of forty pounds, to be recovered by bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection or wager of law shall be

And not hav-
ing sufficient
to pay it, to
be imprison-
ed 6 months
without bail,
and stand in
the pillory.

allowed; and if it shall happen that any such offender so convicted as aforesaid, hath not any goods and chattels, lands, or tenements, to the value of forty pounds, to pay and satisfy the same, or that from the circumstances and heinousness of the crime it shall be thought proper and convenient, the court, before which the said conviction shall be made, as aforesaid, shall award the said offender to prison, there to remain for any time not exceeding six months, without bail or mainprize, and also to stand in the pillory for the

space of one hour, in some market town next adjoining to the place where the offence was committed, in open market there, or in the market town itself where the said offence was committed.

II. Provided always, and be it enacted by the authority aforesaid, that no such action shall be brought or prosecution carried on by virtue of this act, unless the same be commenced within six months after the offence committed. Prosecution in 6 months.

III. And whereas to carry on the service of the said pretender, and for other wicked purposes, many papists pretending themselves protestants, and taking the oath of abjuration, and subscribing the test, when thereunto required, being so allowed to do by the pope, and their other spiritual superiors, the better to disguise and conceal their designs, do enlist themselves in his majesty's troops, whereby the greatest danger may arise to these kingdoms, if not timely prevented: be it therefore enacted by the authority aforesaid, that any person or persons having professed the popish religion, who since the first day of *February* one thousand seven hundred and fifteen, have been enlisted in his majesty's troops, and who shall not, after the first day of *June* one thousand seven hundred and sixteen, in *Great Britain* or *Ireland*, or in the isles of *Guernsey* or *Jersey*, produce a testimonial of his having publicly renounced the same, or shall not, at the time of his enlisting, declare to the officer or soldier who so enlisteth him, that he hath been, or at present is of the popish religion, shall in such case be liable to, and receive such corporal punishment, not extending to loss of life, as a court martial shall inflict for the same, who are hereby empowered so to do. Punishment of papists listing themselves in his majesty's service.

1 GEORGE 1, STAT. 2, CAP. 50.—*An act for appointing commissioners to inquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the public. EXP.* Commissioners to inquire of the estates of popish recusants, and how much the two third parts amount to, and whether registered.

1 GEORGE 1, STAT. 2, CAP. 55.—*An act to oblige papists to register their names and real estates.*—Whereas the papists within this kingdom, notwithstanding the tender regard that hath been shewn them for many years last past, by omitting to put in execution the many penal laws which (on occasion of the many just provocations they have given, and horrid designs they have framed, for the destruction of this kingdom and the extirpation of the protestant religion) have been made against them; and notwithstanding they have enjoyed, and do still enjoy the protection and benefit of the government, as well as the rest of his majesty's subjects, have not only, all or the greatest part of them, been concerned in stirring up and supporting the late unnatural rebellion, for the dethroning and murdering his most sacred majesty; for destroying our present happy establishment; for settling a popish pretender upon the throne of this kingdom; for the destruction of the protestant religion, and the cruel murdering and massacring its professors; by which they have brought a vast expense upon this nation: and whereas it manifestly appears by their behaviour, that they take themselves to be obliged, by the principles they profess, to be enemies to his majesty and to the present happy establishment, and watch for all opportunities of 3 Car. 1, c. 2.
30 Car 2, st. 2.
1 W. & M.
st. 1, c. 9, 15,
17 & 26.
11 & 12 W. 3,
c. 4.
12 Anne, st. 2,
c. 14.

Offences
against this
act are ex-
cepted out of
the general
pardon,
20 Geo. 2,
c. 52, s. 57.

Papists in
England, &c.
of the age of
twenty-one
years on
June 24, 1716,
not having
taken the
oaths, shall
before Jan.
20, 1716,

take the
oaths ap-
pointed by
1 Geo. 1, st.
2, c. 13.

and repeat
and sub-
scribe the
declaration
30 Car. 2,
st. 2, c. 1,

fomenting and stirring up new rebellions and disturbances within the kingdom, and of inviting foreigners to invade it: and forasmuch as it is highly reasonable that they should contribute a large share to all such extraordinary expenses as are or shall be brought upon this kingdom by their treachery and instigation: and to the end that, by paying largely to the late great expenses by them brought upon this nation, they may be deterred, if possible, from the like offences for the future: and that this nation may have the benefit of his majesty's gracious condescension, in giving his interest in the two third parts of all the papists' estates, which are already forfeited to him by law, for the use of the public, either by seizing the said two third parts of their estates for the public service, or by laying some tax or charge upon their estates in lieu thereof, in such proportion and in such manner as shall be determined to be reasonable in parliament: and to the end that their estates may be certainly known and discovered, for the purposes aforesaid, or for such other ends as a parliament shall think fit, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons, not having taken the oaths hereinafter mentioned before the last day of *Trinity* term one thousand seven hundred and sixteen, in the manner by law required, having any estate or interest in any lands, tenements or hereditaments, or who shall hereafter have any estate or interest in any lands, tenements or hereditaments lying, being or arising in that part of *Great Britain* called *England*, or in *Wales*, or the town of *Berwick-upon-Tweed*, who is or shall be a popish recusant or papist, or is or shall be educated in the popish religion, or whose parent or parents shall be a papist or papists, or who shall use or profess the popish religion, shall, if he, she or they be, on the twenty-fourth of *June* one thousand seven hundred and sixteen, of the age of one and twenty years, on or before the twentieth day of *January* in the year of our Lord one thousand seven hundred and sixteen, and if he, she or they be, on the said twenty-fourth of *June*, unborn or under that age, within the space of six months next after he, she or they shall respectively attain to that age, and have such estate and interest as aforesaid, take the several oaths appointed to be taken by such persons who bear any office under his majesty, by an act made in this present session of parliament, intituled, *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, and also repeat and subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, in the high court of chancery, court of king's bench, court of common pleas, or court of exchequer, or at the general quarter sessions of the peace to be holden for the county, riding or division, where such lands, tenements or hereditaments, or some part thereof, shall lie or arise, between the

hours of nine and twelve of the clock in the forenoon, or in default thereof shall, within the space of six months next after the time hereby appointed for him, her or them to take the said oaths, and so, from time to time, within six months after he, she or they, or any trustee or trustees for him, her or them, or his, her or their benefit or advantage, shall come into the possession or perception of the rents or profits of any other lands, tenements or hereditaments, register, or procure to be registered, his, her or their name or names, and all such lands, tenements and hereditaments, whereof he, she or they, or any trustee or trustees for him, her or them, or his, her or their benefit or advantage, shall be in possession, or in the receipt or perception of the rents or profits, which are situate, lying, being or arising in *England, Wales*, or the town of *Berwick-upon-Tweed*; and shall express or cause to be expressed in such register, in what parish, township or place such lands, tenements and hereditaments, and every part thereof lie or arise, and who for the time being, is or are the possessors thereof, and of every part thereof, and what estate or interest he, she or they, whose name or names is or shall be so registered respectively, have in the same, and in every part and parcel thereof respectively, and the yearly rent reserved to him, her or them for the same, if the same shall be let; and if the same shall be let upon lease, then by whom such lease was made, what yearly or other rent is reserved thereupon, and what fine or sum of money was paid for such lease thereof, in case the same was made by himself or any person in trust for him, or that he was party or privy thereunto, and the time and day of the month and year when such entry shall be made, in a parchment book or books, roll or rolls, which shall be kept by the clerk of the peace for every county, riding and division, where such lands, tenements or hereditaments shall respectively lie, arise or be. And to the end that all fraudulent or covenantous registering any persons' names or estates, who do not desire to have them registered, may be prevented, every person whose name and estate shall be, or ought to be registered as aforesaid, is hereby obliged to take care that his name be within the said six months hereby allowed for making such registry, subscribed to such registry or entry in the said books or rolls, in the presence of two or more justices of the peace for the county, riding or division, where such registry shall be, in open sessions, either by the person himself whose name and estate shall be so registered, or by his attorney or attornies thereunto lawfully authorized by warrant of attorney under his hand and seal, executed by him in the presence of two or more witnesses, two of which witnesses at the least shall make proof of such execution upon their oaths at the quarter sessions where such name shall be subscribed or registry produced; and the justices of the said court of quarter sessions are hereby empowered and required to examine such witnesses upon oath for that purpose; and two of the justices of the peace then present shall subscribe their names to every such entry which shall be so made before them, as witnesses that the same was duly made as aforesaid; and in default thereof each of the said justices then present shall forfeit twenty pounds to the king. And to the end that the parties concerned in the premises may find no

or in default shall within six months after they come into possession of any lands, &c. register their name and lands, &c. in books to be kept by the clerks of the peace.

Manner of registering.

Estates let upon lease.

Persons' names to be subscribed in the presence of two justices.

Two justices to subscribe their names, on penalty of £20.

Clerks of the peace to keep parchment books to enter the names

and register the estates, &c.

Fees to be paid.

Books to be carried to the quarter sessions.

Clerks of the peace to keep alphabetical tables of the surnames, and file the warrants of attorney,

three-pence for every 200 words,

four-pence for every search.

difficulty in procuring their names and estates to be registered as aforesaid, all and every such clerk and clerks of the peace are hereby required to keep parchment books or parchment rolls at some notorious place in the county, riding or division, in which they shall act as clerks of the peace; and shall by themselves or their lawful deputies register and enter in the said books or rolls the christian and surnames of all and every such person or persons, who shall come in person and desire to be registered as aforesaid, or shall send any writing under his, her or their hand to such clerk of the peace or his deputy, desiring him to register his, her or their name or names; and shall also register the estate in lands, tenements and hereditaments of every such person and persons, in such manner and in such words, as he, she or they shall, by any writing signed by him, her or them respectively, desire such clerk of the peace or his deputy to register the same: provided the person or persons who desire such registry to be made, shall tender and pay to such clerk and clerks of the peace, or to his or their lawful deputies, the fees hereby appointed to be paid unto him or them for such registry, and so that they apply to him or them to enter such registry, and deliver to him in writing the words he or they respectively desire to have so registered or entered, ten days at the least before the quarter sessions where the entries thereof are to be subscribed as aforesaid; and such clerk or clerks of the peace, or their lawful deputy or deputies, shall enter such persons' names and registry of their estates before the next quarter sessions of the peace after such delivery in the said books or rolls, and shall carry the said books and rolls in which such entries shall be so made with him or them to the next and every other quarter sessions of the peace to be held for the county, riding, division or place where such entry shall be made, until the time of such subscribing the same shall be expired; to the end that all and every the persons whose names shall be or ought to be registered, as aforesaid, or their respective attorney or attornies, may have an opportunity to come to the said sessions, and subscribe the names of the persons so to be registered to the same; and such clerk and clerks of the peace shall also keep alphabetical tables of the surnames of all and every such person and persons whose names and estates shall be so registered, and of the parishes and townships where the lands so registered lie, with reference to the place in the book or books, roll or rolls, where such names and lands shall be registered; and shall also carefully keep all such warrants of attorney as shall be so proved, as aforesaid, upon a file, together with such books and rolls; and shall likewise enter such warrants of attorney upon record, and shall have for such registry and entry on record, a fee of three-pence for every two hundred words which such registry and entry on record shall contain, and no more, to be paid by the person registering the same; and shall also have the sum of four-pence, and no more, for every search that shall be made for the name or estate of any person; and is and are hereby required to make search on the request of any person or persons who shall pay such fees, and also shall permit and suffer such person and persons to inspect and search the said tables, books and rolls, and inspect such letters of attorney as shall be so filed, if he or they

shall desire it; and every such clerk of the peace is hereby required to give copies of such registries, subscribed by himself or his lawful deputy, to every person and persons who shall desire such copies, and tender him the fees hereby appointed to be paid for the same; and shall suffer such persons who shall request him so to do, to examine the same with the roll or books by him kept, and for so doing shall take a fee of three-pence for every two hundred words contained in every such copy as shall be so taken, and no more; and if any clerk of the peace shall neglect or refuse to do any of the matters or things hereby appointed to be done by him, and be thereof lawfully convicted, he shall thereby forfeit his office; and if any such person or persons, who is or are hereby required or intended to take and subscribe such oath, and repeat and subscribe such declaration, as aforesaid, or in default thereof, to register or cause to be registered, his, her or their name and names, estate and estates, as aforesaid, shall not either take and subscribe such oath, and repeat and subscribe such declaration, as aforesaid, in such manner, as aforesaid, or register his, her or their respective name and names, and estate, in such manner, as aforesaid; and also subscribe his, her or their respective name or names to such registry, or procure the same to be subscribed thereto by his, her or their respective attorney or attornies, lawfully authorized, as aforesaid, so to do, within the respective times hereinbefore limited or appointed for his, her or their doing thereof, or shall not register the same truly; that then and in every such case, the person and persons wilfully neglecting or refusing so to do, or committing any fraud in such registry, shall forfeit the fee-simple and inheritance of all such lands, tenements and hereditaments not registered, or fraudulently registered, whereof he, she or they, or any person or persons in trust for him, her or them, was or were seized in fee-simple at the time of such default or fraud in registering, as aforesaid, and the full value of the inheritance of all such lands, tenements and hereditaments not registered, or fraudulently registered, as aforesaid, whereof he, she or they, or some person or persons in trust for him, her or them, was not or were not seized in fee-simple at the time of such default or fraud, as aforesaid; two third parts thereof to the king, and the other third part thereof to such person or persons, being a protestant or protestants, who shall sue for the same at the common law, in any of his majesty's courts at *Westminster*, by such action, bill, plaint, suit or information, or other process as shall be proper, according to the nature of the case, and of the thing sued for, or in the high court of chancery; and the person so suing shall be entitled in the high court of chancery to demand all such discoveries as he might do if he were a purchaser upon a valuable consideration of the estate so sued for; and to demand a true discovery from all persons of all such incumbrances and titles which any way do or may affect the same, and of all trusts relating thereto or protecting the same; to which bill or bills no plea or demurrer shall be allowed, but the defendant or defendants shall sufficiently answer the same at large; and also that the person suing for any such real estate may, if he shall think fit, bring an ejectment for the same upon his own demise, and give this act and the special matter in evidence; and if it shall

Clerks of the peace shall give copies of register,

and refusing shall forfeit his office.

Penalty of persons not taking the oaths, or not registering their estates, &c.

Forfeitures, how to be recovered and disposed.

appear upon trial of such ejectment, that the estate sued for is the estate of the person so neglecting to register, or fraudulently registering, and the defendant shall not be able to make it appear that he took the said oaths, and repeated and subscribed the said declaration, in such manner as aforesaid, or otherwise that he registered his name and the estate so sued for in such manner as aforesaid, a verdict shall be given for the lessor of the plaintiff in such ejectment, and judgment shall be thereupon had in such manner as is usual upon verdicts in ejectment, and the lessor of the plaintiff shall have costs of suit, as is usual when judgment in ejectment is recovered by, or given for the lessor of the plaintiff; and by such judgment two third parts of the lands, tenements and hereditaments so recovered, shall be vested in the king's majesty, his heirs and successors, and the other third part thereof in the person who shall be the lessor of the plaintiff in the said ejectment.

Persons beyond sea on June 18, 1716, taking the oaths before May 20, 1717, or procuring their names, &c. to be subscribed, and estates registered, shall be good and effectual

II. Provided always nevertheless, and be it enacted by the authority aforesaid, that if any person or persons, who is or are hereby required or intended to take and subscribe such oath, and make and subscribe such declaration, or to make such registry, as aforesaid, shall be beyond the seas upon the eighteenth day of *June* one thousand seven hundred and sixteen, that then and in such case, if such person or persons shall take the oaths, or repeat and subscribe the declaration hereby appointed to be taken, repeated and subscribed in such court, and in such manner as the same are hereby before appointed to be taken, repeated and subscribed, on or before the twentieth day of *May* one thousand seven hundred and seventeen, or in default thereof shall procure his or their respective name and names, estate and estates to be registered in such manner, as aforesaid, at any time within six months next after the said twentieth day of *May* one thousand seven hundred and seventeen, that then and in such case, such taking the oaths and repeating and subscribing the said declaration, or such registry of his or their respective name or names, and estate or estates, shall be as good and effectual, in respect of every such person and persons so being beyond sea upon the said eighteenth day of *June* one thousand seven hundred and sixteen, as it would have been if such person had taken the said oaths, and repeated and subscribed the said declaration on or before the twentieth day of *January* one thousand seven hundred and sixteen in such manner as aforesaid, or had registered his name and estate in such manner as aforesaid, within six months next after the said twentieth day of *January* one thousand seven hundred and sixteen.

Purchasers, &c. for a valuable consideration, not knowing of any default or fraud in registering, shall not be prejudiced, &c. by reason of any forfeiture.

III. Provided, that in case such person or persons so making default, or committing any fraud in registering, as aforesaid, after such default or fraud committed, and before he, she or they be thereof convicted, or any ejectment or suit brought for such forfeited lands, tenements or hereditaments, shall *bona fide*, for a just and valuable consideration, convey over, grant, lease or incumber all or any such lands, tenements or hereditaments omitted, or fraudulently registered, as aforesaid, that then, and in such case, the person or persons so purchasing, or having such grant, lease or incumbrance, as aforesaid, not knowing, at the time of such purchase or incumbrance made, the said offender to be a person within the description

of this act, shall not be prejudiced, nor his, her or their estate or interest in the said lands, tenements and hereditaments, impeached, for or by reason of such forfeiture, as aforesaid; but in that case the said offender shall forfeit the value of the inheritance of the said lands, tenements and hereditaments, to be distributed and recovered in manner as aforesaid.

IV. Provided always, and be it hereby further enacted and declared by the authority aforesaid, that nothing in this present act contained, shall extend or be construed to extend to compel any person whatsoever to register, or procure to be registered, any lands, tenements or hereditaments, until he or some other person or persons, as trustee or trustees for him or his benefit, or on his behalf, is, are, have or hath been, or shall be actually seized and have notice thereof, or possessed, or in the receipt of the rents or profits of the same, for the space of six months.

Nottoextend
to persons
not actually
seized, &c.
for the space
of 6 months.

V. Provided, that nothing herein contained shall extend or be construed to extend to compel any person or persons to register any lands, tenements or hereditaments, whereof he, she or they shall be only farmer or farmers, or tenants at a rack-rent, or who only do or shall hold by lease or leases, whereupon two-thirds of the full yearly value, or more, is, are or shall be reserved.

Not to com-
pel any farm-
ers, &c. to
register.

VI. Provided also, that nothing herein contained shall extend to defeat or prejudice any protestant, or other creditor, who *bona fide* hath or shall have any charge or incumbrance upon any real estate or estates hereby directed to be registered; but then in case of such charge or incumbrance, the person or persons so making default, or committing any fraud in registering, as aforesaid, shall forfeit the value of such charge and incumbrance, one-third part thereof to and among the person and persons who shall by virtue of this act sue for and recover the lands, tenements and hereditaments forfeited, as aforesaid, and subject to such charge and incumbrance, or any part thereof, in proportion to the part so by him, her or them recovered, and two third parts thereof to the king's most excellent majesty, his heirs and successors.

Not to pre-
judice any
creditor; but
persons mak-
ing default,
&c. in regis-
tering in-
cumbrances,
shall forfeit
the value.

VII. Provided also, and be it further enacted and declared by the authority aforesaid, that no person or persons being in the *East* or *West Indies* or *America*, shall be compelled to take the said oaths, and sign the declaration before mentioned, and register his, her or their estate or estates at the time within mentioned, but shall have twelve months longer than the times hereinbefore respectively allowed to persons beyond the seas to take the said oaths, and sign the said declaration, and register their estate and estates; any thing herein to the contrary notwithstanding.

Times allow-
ed to persons
in the Indies
or America.

3 GEORGE 1, CAP. 2, SEC. 50.—*An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.*

L. Whereas by an act of the first year of his majesty's reign, intituled, *an act for the more effectual and exemplary punishment of such persons as shall seduce soldiers to desert, or being papists, shall enlist themselves in his majesty's service in Great Britain or Ireland, or in the islands of Guernsey or Jersey*; it is enacted, that any person or persons whatsoever, who should directly or indirectly persuade or procure, or endeavour to persuade or procure any soldier or

Penalties
against the
act 1 Geo. 1,
st. 2, c. 47,
where to be
sued for.

soldiers, in the service of his majesty, or of his heirs or successors, to desert, such person or persons so offending, and being thereof lawfully convicted, should forfeit the sum of forty pounds: now be it enacted, that for such offences as shall be committed against the said recited act, within that part of *Great Britain* called *England*, the penalties thereby enacted shall be sued for and recoverable in any of his majesty's courts of record at *Westminster*; and for such offences against the said act, as shall be committed in that part of *Great Britain* called *Scotland*, the same shall be sued for and recoverable in his majesty's court of exchequer in *Scotland*; and for such offences against the said act, as shall be committed in *Ireland*, the same shall and may be sued for and recoverable in any of the four courts at *Dublin*; any thing in the said recited act to the contrary thereof in anywise notwithstanding.

3 GEORGE 1, CAP. 18.—*An act for explaining an act passed the last session of parliament, intituled, an act to oblige papists to register their names and real estates; and for enlarging the time of such registering; and for securing purchases made by protestants.*—Whereas
 1 Geo. 1, st. 2, c. 55.
 3 Geo. 2, c. 29. by an act made in this present parliament, intituled, *an act to oblige papists to register their names and real estates*, it is enacted, that all and every person and persons not having taken the oaths therein mentioned before the last day of *Trinity* term in the year of our Lord one thousand seven hundred and sixteen, having any estate or interest in any lands, tenements or hereditaments, or who should thereafter have any estate or interest in any lands, tenements or hereditaments lying, being or arising in that part of *Great Britain* called *England*, or in *Wales*, or the town of *Berwick-upon-Tweed*, who was or should be a popish recusant or papist, or was or should be educated in the popish religion, or whose parent or parents should be a papist or papists, or who should use or profess the popish religion, should take the oaths and repeat and subscribe the declaration therein mentioned, at such times and in such manner as is therein expressed, or in default thereof should, within the space of six months next after the time thereby appointed for him, her or them to take the said oaths, register or procure to be registered his, her or their name or names, and all such lands, tenements and hereditaments whereof he, she or they, or any trustee or trustees for him, her or them, or his, her or their benefit or advantage, should be in the possession or in receipt or perception of the profits, in such manner and form as is therein expressed; upon pain that the person and persons wilfully neglecting or refusing so to do, or committing any fraud in such registry, should forfeit the fee-simple and inheritance of all such lands, tenements and hereditaments not registered or fraudulently registered, whereof he, she or they, or any person or persons in trust for him, her or them, was or were seized in fee-simple at the time of such default or fraud in registering as aforesaid, and the full value of the inheritance of all such lands, tenements and hereditaments not registered or fraudulently registered as aforesaid, whereof he, she or they, or any person or persons in trust for him, her or them, was not or were not seized in fee-simple at the time of such default or fraud as aforesaid; two third parts whereof to the king, and the other third part thereof to such person or persons,

being a protestant or protestants, as should sue for the same at the common law in any of his majesty's courts at *Westminster* or in the high court of chancery, as by the said act more fully appears: for the amending and explaining the said act, and giving a further time to papists to register their names and real estates; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the time for such registering be enlarged, and the same is hereby enlarged to the twentieth day of *October* one thousand seven hundred and seventeen.

The time for papists to register their names and real estates enlarged to Oct. 20, 1717.

II. And be it further enacted by the authority aforesaid, that no action or suit for any penalty or forfeiture contained in this or the said former act, for wilfully neglecting or refusing to register, or for committing fraud in such registry, shall be commenced or brought after two years after the offence committed against any person offending therein.

No suit for frauds in registering shall be commenced after two years.

III. And be it further enacted by the authority aforesaid, that where it shall happen that any manors or reputed manors, demesne or other lands, or entire farms, do lie in more counties than one, the registering of such manors, lands, tenements and hereditaments in the county only where the manor house or the house or houses to the said farm or lands do lie, and not in several counties, taking notice thereof in the said registry that the same do extend to such other county or counties, shall be a sufficient registering of such entire manors, farms or lands within the true intent and meaning of the said recited act.

Where manors, &c. lie in more counties than one, they shall be registered in the county only where the manor house stands

IV. And whereas some doubts have arisen, as well upon the said recited act, as also upon one other act made and passed in the parliament held in the eleventh and twelfth years of the reign of the late king *William* the third, intituled, *an act for the further preventing the growth of popery*; and upon another act made in the first year of the reign of the late king *James* the first, for the due execution of the statutes against jesuits, seminary priests, recusants, and other acts made against papists and popish recusants, touching the sale of the real estates of persons professing the popish religion, or incurring the disabilities and incapacities in the said acts mentioned: be it enacted by the authority aforesaid, that no sale for a full and valuable consideration of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any person or persons being reputed owner or owners, or in the possession or receipt of the rents and profits thereof, heretofore made or hereafter to be made, to and for any protestant purchaser and purchasers, and merely and only for the benefit of protestants, shall be avoided or impeached for or by reason or upon pretence of any of the disabilities or incapacities in the said acts or any of them contained, incurred or supposed to be incurred by any of the persons making or joining in such sale, or by any other person or persons from or through whom the title to such manors, messuages, lands, tenements or hereditaments, or any interest therein, is or shall be derived or supposed to be derived, unless before such sale the person entitled to take advantage of such disability or incapacity shall have recovered such manors, messuages, lands, tenements and

11 & 12 W. 3.

1 Jac. 1, c. 4.

No sale for a full consideration of any manors, &c. by the reputed owner, &c. made or to be made to any protestant, shall be avoided on pretence of the disabilities in the recited acts, unless such manors, &c. were recovered before the sale, or notice of the claim given to the purchaser, or the

claim entered
at the quarter
sessions.

hereditaments, or given notice of his claim and title thereto to such purchaser, or before the contract for such sale shall have claimed the said manors, messuages, lands, tenements and hereditaments by reason of such disability or incapacity, and have entered such claim in open court at the general session of the peace for the county, city, riding or division wherein such manors, messuages, lands, tenements or hereditaments lie or arise, and *bona fide* and with due diligence pursued his remedy in a proper course of justice for the recovery thereof: the said several acts above mentioned and referred to, or any thing therein contained to the contrary notwithstanding.

The clause in
11 & 12 W. 3,
c. 4, whereby
papists are
disabled
from pur-
chasing any
manors, &c.
shall not be
hereby alter-
ed or repeal-
ed.

V. Provided nevertheless, that whereas it was, amongst other things, enacted by the said act of parliament made in the eleventh and twelfth years of the reign of the late king *William* the third, that from and after the tenth day of *April* which should be in the year of our Lord one thousand seven hundred, every papist or person making profession of the popish religion should be disabled, and was thereby made incapable to purchase either in his or her own name, or in the name of any other person or persons, to his or her use, or in trust for him or her, any manors, lands, profits out of lands, tenements, rents, terms or hereditaments within the kingdom of *England*, dominion of *Wales* and town of *Berwick-upon-Tweed*; and that all and singular estates, terms and any other interests or profits whatsoever out of lands, from and after the said tenth day of *April* to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence mediately or immediately, to or for the benefit or relief of any such person or persons, should be utterly void and of no effect, to all intents, constructions and purposes whatsoever: it is hereby declared and enacted, that the said recited part of the said act of parliament shall not be hereby altered or repealed, but the same shall be and remain in full force, as if this act had never been made.

11 & 12 W. 3,
c. 4.

After Sept.
29, 1717, no
manors,
lands, &c.
shall pass
from papists
by deed or
will, unless
enrolled in
six months.
By 10 Geo. 1,
c. 4, s. 19,
provision is
made for
deeds, &c.
not enrolled
since Sept.
20, 1717, if
enrolled on
29 Sept. 1724.

VI. And be it further enacted by the authority aforesaid, that from and after the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and seventeen no manors, lands, tenements, hereditaments or any interest therein, or rent or profit thereout, shall pass, alter or change from any papist or person professing the popish religion, by any deed or will, except such deed within six months after the date, and such will within six months after the death of the testator, be enrolled in one of the king's courts of record at *Westminster*, or else within the same county or counties wherein the manors, lands and tenements lie, by the *custos rotulorum* and two justices of the peace, and the clerk of the peace of the same county or counties, or two of them at the least, whereof the clerk of the peace to be one. Such deeds &c. are good, if enrolled on twentieth *September* one thousand seven hundred thirty-one. 3 Geo. 2, c. 29, sect. 6. And see 8 Geo. 2, c. 25.

9 GEORGE 1, CAP. 18.—*An act for granting an aid to his majesty by laying a tax upon papists, and for making such other persons, as upon due summons shall refuse or neglect to take the oaths therein mentioned, to contribute towards the said tax, for reimbursing to the public part of the great expenses occasioned by the late conspiracies; and for discharging the estates of papists from the two-third parts of the rents and*

profits thereof for one year, and all arrears of the same, and from such forfeitures as are therein more particularly described. EXP.
 £100,000 to be assessed on all papists of eighteen years of age, over and above the double taxes by the land tax. If the full sum charged be duly paid it shall discharge papists' estates from the two-thirds of the rents thereof for one year, and from all penalties for recusancy, &c. Lands, &c., registered, since vested in protestants, either by taking the oaths, or by death, or alienation, before twenty-fifth *December*, one thousand seven hundred twenty-two, or vested in infants, commissioners to certify it into the remembrancer's office, and that part shall be discharged. Lands, &c., liable to rent charges, &c. Owners may deduct the tax. Jointures, &c., out of registered estates discharged.

9 GEORGE 1, CAP. 24.—*An act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain refusing or neglecting to take the oaths appointed for the security of his majesty's person and government, by several acts herein mentioned, to register their names and real estates.*—Whereas since his majesty's EXP.
 happy accession to the crown of these realms, divers rebellions, insurrections and traitorous conspiracies have been entered into and carried on, for the destruction of his majesty's most sacred person and government, the overturning our religious and civil rights, and for placing a popish pretender on the throne: and whereas the papists and other persons refusing to take the oaths appointed by law to be taken to his majesty, have enjoyed, and do still enjoy the the protection and benefit of the government, as well as the rest of his majesty's subjects, yet have been notoriously concerned in contriving, stirring up and supporting the said rebellions, insurrections and conspiracies, by which it most manifestly appears, that they take themselves to be obliged, by the principles they profess, to be enemies to his majesty and the present happy establishment; and forasmuch as it is highly reasonable, that the government should be thoroughly acquainted with, and apprized of the number, names and real estates of such disaffected persons as aforesaid, in order more effectually to prevent, disappoint or punish the like traitorous attempts for the future, in such manner as by the wisdom of parliament shall hereafter be thought proper; be it therefore enacted, &c.

Persons who shall neglect to take the oaths on or before twenty-fifth *December*, one thousand seven hundred and twenty-three, shall before twenty-fifth *March* register their names and real estates. In *Scotland* to take the oaths before twenty-fifth *March*, or register before twenty-fourth *June*. Or shall forfeit their lands.

10 GEORGE 1, CAP. 4.—*An act for explaining and amending an act of the last session of parliament, intituled, an act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his majesty's person and government, by several acts herein mentioned, to register their names and real estates, and for enlarging the time for taking the said oaths, and making such registers, and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his majesty's reign; and also for giving relief to protestant lessees.*

No woman obliged to take the oaths, &c., nor reversioners, &c. Persons indemnified from penalties, &c., for not having taken oaths, &c. Those that have neglected to take the oaths, &c., taking them on or before twenty-eighth *November* one thousand seven hundred twenty-four, discharged from registering, &c. And in default to register their names, &c., on or before twenty-fourth *June* one thousand seven hundred twenty-five. Clerks of the peace in *England* to return copies of registers into the exchequer by twenty-ninth *September* one thousand seven hundred twenty-five, and the keeper of the general registry in *Scotland* to do the like there. Penalties on persons that have not already taken, and shall not, within the time by this act appointed, take the oaths, &c. Proviso for persons in prison, beyond the seas, *non compos mentis*, or disabled by sickness, &c. No action on penalty for not having taken oaths, &c., to be brought after six months. Forfeitures of fee-simple, &c., repealed. Quakers to make the declaration of fidelity. Protestants in *Scotland* taking and subscribing the oath appointed by act 5 *George* 1, c. 29. (to be taken by preachers in meeting-houses, &c., there) deemed to have complied with this. Penalties on papists, &c., in *Scotland* refusing to subscribe the *formula*, &c. Three-pence for taking oaths, &c., and six-pence for certificate. Certificate to be evidence in any court, &c. Persons excused from registering, having registered their estates, may withdraw such register. How *Jews* are to take the abjuration oath. Relief for such protestant lessees, as have neglected to enrol deeds or wills, in due time, &c. No deed, &c. made good by this act, whereof advantage for want of enrolment shall be taken on or before the sixth of *March* one thousand seven hundred twenty-three. EXP.

3 GEORGE 2, CAP. 29, SECS. 6 & 7.—*An act for continuing and amending an act for regulating the price and assize of bread; for relief of bankrupts whose certificates were not allowed before the expiration of a late act (for the better preventing frauds committed by bankrupts) for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers and lessees; and for making further provision concerning certificates relating to the settlements of poor persons, and the charges of maintaining and removing certificated persons.*

VI. Whereas by a clause in an act of parliament passed in the third year of his late majesty's reign, intituled, *an act for explaining an act passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates, and for enlarging the time for such registering, and for securing purchases made by protestants*, it was enacted, that from and after the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and seventeen no manors, lands, tenements, hereditaments or any interest therein, or rent or profit thereout, should pass, alter or change from any papist or person professing the popish religion, by any deed or will, except such deed within six months after the date, and such will within six months after the death of the testator, should be enrolled in one of the king's courts of record at *Westminster*, or else within the same county or counties, wherein the manors, lands and tenements lie, in such manner as therein for that purpose

is particularly directed: and whereas by a clause in another act of parliament passed in the tenth year of his said late majesty's reign, 10 Geo. 1, c. 4. intituled, *an act for explaining and amending an act of the last session of parliament, intituled, an act to oblige all persons being papists, in that part of Great Britain called Scotland, and all persons in Great Britain* refusing or neglecting to take the oaths appointed for the security of his majesty's person and government, by several acts herein mentioned, to register their names and real estates, *and for enlarging the time for taking the said oaths and making such registers, and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his said late majesty's reign, and also for giving relief to protestant lessees*, it was enacted, for the relief of such persons who had neglected or omitted to enrol their deeds or wills, that every deed and will which had been then made, since the nine and twentieth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements and hereditaments or any interest therein, or rent or profit thereout, from any person professing the popish religion, though not then enrolled, should be as good and effectual in the law, as the same would have been, in case the said deeds and wills had been enrolled within the time limited by the said clause in the said former act for enrolment thereof, provided the said deeds and wills should be enrolled on or before the nine and twentieth day of *September* one thousand seven hundred and twenty-four in such manner as by the said former act was directed: and whereas several of his majesty's protestant subjects, since the nine and twentieth day of *September* one thousand seven hundred and seventeen, have purchased lands and taken leases upon fines paid, where some small rents have been reserved, from papists or persons professing the popish religion, and have omitted and neglected to enrol their purchase deeds and leases within the times limited by the said clauses, in the said acts directed for the enrolment thereof, and are in danger of being defeated of their said purchases and leases: and whereas several infants and others, claiming under the last wills and testaments of papists or persons professing the popish religion, may be defeated of their said lands so devised to them, through the neglect or omission of the executors or trustees of such wills to enrol the same in due time, according to the direction of the said clauses in the said acts: to relieve therefore such protestant purchasers and lessees, and such other persons as have neglected or omitted to enrol their deeds or wills in due time as aforesaid, be it enacted by the authority aforesaid, that every deed and will, made since the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and seventeen, in order to pass, alter or change, any manors, lands, tenements, hereditaments or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not enrolled, shall be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the times limited in the said clauses in the said acts for the enrolment thereof; provided the same deeds and wills shall be enrolled on or before the nine and twentieth day of *September* one thousand

Protestant
purchasers
from papists
may enrol
deeds or
wills, before
29 Sept. 1731.

seven hundred and thirty-one, in such manner as by the said clause in the said first mentioned act is directed.

Defaults,
whereof ad-
vantage has
been taken,
excepted.

VII. Provided always, that nothing herein contained shall extend or be construed to extend to make good any such deed, will or lease already made, and not enrolled, of the want of enrolment whereof advantage shall have been taken on or before the twenty-fifth day of *March* one thousand seven hundred and thirty; but every such deed, will and lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other.

6 GEORGE 2, CAP. 5.—*An act for allowing further time for the enrolment of deeds and wills made by papists, and for relief of protestant purchasers and lessees.* EXP.

Deeds and wills made by papists since twenty-ninth *September* one thousand seven hundred and seventeen, and not duly enrolled, shall be good, if enrolled by twenty-ninth *September* one thousand seven hundred thirty-three. Deeds or wills, of whose deficiency in enrolment advantage was taken by first *February* one thousand seven hundred thirty-two, excepted. No purchase made for valuable consideration by any protestant shall be avoided for want of enrolment: so as no judgment, &c. hath been obtained.

EXP.
Preamble,
reciting 3
G. 1, c. 18.

8 GEORGE 2, CAP. 25.—*An act to indemnify protestant purchasers of estates of papists, against the penalties or forfeitures papists are liable to for not having enrolled their estates, in pursuance of an act of the third year of king George the first for that purpose.*—Whereas in and by an act passed in the third year of the reign of his late majesty king *George* the first, intituled, *an act for explaining an act passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates, and for enlarging the time for such registering, and for securing purchases made by protestants*; it was enacted, that no manors, lands, tenements, hereditaments, or any interest therein, should pass from any papist by any deed or will, except such deed, within six months after the date thereof, and such will, within six months after the death of the testator, should be enrolled in one of the king's courts of record at *Westminster*, or else within the said county or counties wherein the manors, lands and tenements lay, by the *custos rotulorum*, and two justices of the peace, and the clerk of the peace of the said county or counties, or two of them at the least, whereof the clerk of the peace to be one: and whereas many purchases made by protestants since the making of the said act may be in danger of being impeached or called in question, by reason that some deeds or wills necessary to make out the title, have not been duly enrolled according to the directions of the said act; may it therefore please your most excellent majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no purchase really and truly made on or before the twenty-fifth day of *March* one thousand seven hundred and thirty-five, for a full and valuable consideration, of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any protestant or protestants, of any papist or papists, and merely and only for the

Purchases
for valuable
considera-
tion made be-
fore 25 March
1735, not to
be avoided,
though not
duly regis-

benefit of protestants, shall be impeached or avoided, for or by reason that any deed or will necessary to make out the title to the same hath not been duly enrolled according to the said act; provided that such deed or will shall be enrolled on or before the twenty-ninth day of *September* in the year of our Lord one thousand seven hundred and thirty-five, in such manner as by the said act is directed; any thing in the said act contained to the contrary in anywise notwithstanding.

tered, if the deed or will be enrolled by 29 Sept. 1735, as directed by the said act.

II. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to make void or annul any judgment or judgments already given against any person or persons, who hath or have incurred the penalties of the said act for not enrolling as aforesaid.

This act not to extend to judgments already given

9 GEORGE 2, CAP. 26.—*An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 445.

11 GEORGE 2, CAP. 11.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees and lessees.* EXP.

11 GEORGE 2, CAP. 17.—*An act for securing the estates of papists conforming to the protestant religion, against the disabilities created by several acts of parliament relating to papists; and for rendering more effectual the several acts of parliament made for vesting in the two universities in that part of Great Britain called England the presentations of benefices belonging to papists.*—Whereas persons professing or educated in the popish religion, are by divers acts of parliament subjected to several disabilities and incapacities, which may affect persons conforming from the popish to the protestant religion: and whereas many persons have already conformed to the protestant religion and are willing to submit to his majesty's government in as full and ample manner as any other of his majesty's subjects, and others are likely so to do; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person or persons being reputed owner or owners, or in possession or receipt of the rents and profits of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, who having been, or reputed to be a papist or papists, or educated in the popish religion, hath or have conformed to, or hereafter shall conform to and profess, the protestant religion, and hath or have taken, or shall take the oaths of allegiance, supremacy, and abjuration, and also subscribed, or shall subscribe, the declarations set down and expressed in an act of parliament made in the thirtieth year of the reign of the

3 Car. 1, c. 3.
30 Car. 2, st. 2.
1 W. & M.
st. 1, c. 9, 15,
17, & 26.
11 & 12 W. 3,
c. 4.
12 Anne, st. 2,
c. 14.
1 Geo. 1, st. 2,
c. 55.
3 Geo. 1, c. 18.
9 Geo. 1, c. 18
& 24.
10 Geo. 1, c. 4.

Owners of any estate being papists on conforming, &c. and all protestants claiming under them, to possess such estate, freed of the disabilities incurred by such owners

&c. unless the persons entitled to take advantage of such disability shall recover by judgment in some action to be commenced within six calendar months before such conforming.

Not to prejudice the right of any person, who shall have been in possession two calendar months.

Persons returning to the popish religion, not to have any benefit by this act.

This act not to prejudice the right of any person entitled to any reversion, if pursued within twelve calendar months, &c.

late king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to be by him, her, or them repeated and subscribed in the courts of chancery or king's bench, or quarter sessions of the county where such person or persons shall reside (all which shall be recorded in one of his majesty's courts of record at *Westminster*, or such quarter sessions as aforesaid) and all and every person and persons being protestants, claiming under such person or persons conforming and performing the requisites as aforesaid, for their own benefit, or for the benefit of any other protestant or protestants, and not for the benefit of any papist or papists, shall hold, possess, and enjoy all such manors, messuages, lands, tenements, and hereditaments, freed and discharged of and from the disabilities and incapacities in the said acts, or any of them, contained, incurred, or supposed to be incurred by such person or persons so reputed owner or owners, or in possession or receipt of the rents and profits as aforesaid, or by any other person or persons, by, from, or through whom the title to such manors, messuages, lands, tenements, or hereditaments, or any interest therein, was or shall be derived, or supposed to be derived, for such estate, right, title, or interest, as he, she, or they had, or would have had, if no such disability or incapacity had been incurred; unless the person or persons intituled to take advantage of such disability, incapacity, or defect of title, hath or have actually and *bona fide* recovered, or shall hereafter recover, such manors, messuages, lands, tenements, or hereditaments, by judgment or decree, in some action or suit already commenced, or hereafter to be commenced, six calendar months at least before the making of such record, and to be prosecuted with due diligence.

II. Provided nevertheless, that this act, or any thing herein contained, shall not take away or prejudice the right of any person or persons entitled to take advantage of such disability or incapacity, who now is or are in the actual possession of, or shall have, precedent to the making of such record, been in quiet possession of any such manors, messuages, lands, tenements, or hereditaments, by the space of two calendar months.

III. Provided always, and be it further enacted by the authority aforesaid, that if any such person or persons so conforming as aforesaid, shall, after such conformity, return to, or again profess, the popish religion, every such person and persons shall for ever afterwards be disabled from, and be incapable of, having or enjoying any benefit, privilege, or advantage of this act, and shall from thenceforth be liable to the same disabilities, incapacities and forfeitures, as if he, she or they had not taken the said oaths, and subscribed the declaration as aforesaid; any thing herein contained to the contrary notwithstanding.

IV. Provided always, that nothing in this act contained shall extend to take away or prejudice the right of any person entitled to any remainder or reversion in any such manors, messuages, lands, tenements, or hereditaments, in case such person shall pursue his or her said right by some action or suit to be commenced within the space of twelve calendar months next after the precedent estate or estates, on which such remainder or reversion depends and is expected.

tant, shall be determined; or within twelve calendar months, from and after the twenty-ninth day of *September* one thousand seven hundred and thirty-eight, if such precedent estate or estates be already determined by the death or deaths of any person or persons, whose deaths have been concealed from, or not known to, the person entitled to such remainder or reversion, by reason of their having been buried beyond the seas, or in a private and clandestine manner at home, and shall prosecute such action or suit with due diligence.

V. And whereas by an act made in the twelfth year of the reign of queen *Anne*, for rendering more effectual an act made in the third year of the reign of king *James* the first, intituled, *an act to prevent and avoid dangers which may grow by popish recusants*; and also one other act made in the first year of the reign of king *William* and queen *Mary*, intituled, *an act to vest in the two universities the presentations of benefices belonging to papists*; it was enacted, that every papist or person making profession of the popish religion, and every child, not being a protestant, under the age of one and twenty years, of every such papist or person professing the popish religion, and every mortgagee, trustee, or person any ways intrusted directly or indirectly, mediately or immediately, by or for any such papist or person making profession of the popish religion, or such child as aforesaid, whether such trust be declared by writing or not, should be disabled and made incapable to present, collate, or nominate to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or to grant any avoidance of any benefice, prebend, or ecclesiastical living, and that every such presentation, collation, nomination and grant, and every admission, institution, and induction to be made thereupon, should be utterly void and of no effect to all intents, constructions, and purposes whatsoever; and that in every such case the chancellor and scholars of the university of *Oxford*, and the chancellor and scholars of the university of *Cambridge*, should respectively have the presentation, nomination, collation and donation of and to every such benefice, prebend or ecclesiastical living, school, hospital, and donative, set, lying and being in the respective counties, cities, and other places and limits in the said act of the third year of king *James* mentioned, as in and by the said act is directed and appointed in the case of a popish recusant convict: and whereas for the better discovery of all secret trusts and fraudulent conveyances made by papists or persons making profession of the popish religion, of their advowsons and right of presentation, nomination, and donation to any benefices or ecclesiastical livings, several provisions were made by the said act of the twelfth year of the reign of queen *Anne*, which have been fraudulently evaded by persons obtaining from such papists, without a full and valuable consideration, grants of such advowsons and right of presentation, nomination, and donation, upon confidence only, that such grantees will, at the request of such papists, present to such benefices or ecclesiastical livings, clerks nominated by such papists, who have been presented accordingly, contrary to the true intent and meaning of the said acts, and to the great hurt of the protestant interest of this kingdom; be it therefore enacted by the authority aforesaid, that every grant to be made from and after the sixth day

12 Anne, st. 2,
c. 14,

and 1 W. & M.
st. 1, c. 26.

Every grant
made after 6
May 1738, of

any ecclesiastical living &c. by any papist, &c. void,

unless made for a valuable consideration to a protestant purchaser, &c.

Every devise made of any ecclesiastical living after 6 May 1738, by a papist, void

of *May* one thousand seven hundred and thirty-eight, of any advowson or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, and every grant or any avoidance thereof, by any papist, or person making profession of the popish religion, or any mortgagee, trustee, or person any ways intrusted directly or indirectly, mediately or immediately, by or for any such papist or person making profession of the popish religion, whether such trust be declared by writing or not, shall be null and void, unless such grant shall be made *bona fide*, and for a full and valuable consideration to and for a protestant purchaser or protestant purchasers, and merely and only for the benefit of a protestant or protestants; and that every such grantee, or person claiming under any such grant, shall be deemed to be a trustee for a papist or person professing the popish religion as aforesaid, within the true intent and meaning of the said act; and that all such grantees, or persons claiming under such grants, and their presentees, shall be compelled to make such discovery relating to such grants and presentations made thereupon, and by such methods, as in and by the said act of the twelfth year of the reign of queen *Anne*, are directed in the case of trustees of papists or persons professing the popish religion; and that every devise to be made from and after the said sixth day of *May* by any papist or person professing the popish religion, of any such advowson or right of presentation, collation, nomination, or donation, or any such avoidance, with intent to secure the benefit thereof to the heirs or family of such papist or person professing the popish religion, shall be null and void; and that all such devisees, and persons claiming under such devisees, and their presentees, shall in the like manner, and by such methods, be compelled to discover, whether to the best of their knowledge and belief, such devises were not made with the said intent.

14 GEORGE 2, CAP. 21.—*An act to indemnify protestant purchasers of estates of papists, against the penalties or forfeitures papists are liable to, for not having enrolled their estates, in pursuance of an act of the third year of the reign of his late majesty king George the first, for that purpose.* Further time given to enrol purchases made before twenty-ninth *September*, one thousand seven hundred and forty-one, to twenty-fifth *March*, one thousand seven hundred and forty-two. Judgments already given not to be made void. EXP.

16 GEORGE 2, CAP. 30.—*An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose, and also for amending so much of an act made in the twenty-fifth year of the reign of king Charles the second, intituled, an act for preventing dangers which may happen from popish recusants, as relates to the time for receiving the sacrament of the Lord's supper now limited by the said act.*—Whereas divers persons, who on account of their offices, places, employments or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or the assurance respectively appointed to be taken by such persons in and by an act made in the first year of the reign of his late majesty king *George* of glorious memory, intituled, *an act for the further security of his majesty's per-*

son and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act made in the thirteenth year of the reign of king Charles the second, intituled, *an act for the well governing and regulating corporations*; or to have qualified themselves according to another act made in the twenty-fifth year of the reign of king Charles the second, intituled, *an act for preventing dangers which may happen from popish recusants*, by receiving the sacrament of the Lord's supper, according to the usage of the church of *England*, and making and subscribing the declaration against transubstantiation therein mentioned, or to have taken, made and subscribed the declaration set forth in the statute made in the thirtieth year of the reign of the late king Charles the second, intituled, *an act for the more effectual preserving his majesty's person and government, by disabling papists from sitting in either house of parliament*, have, through ignorance of the law, absence, mistake or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, or to make and subscribe the several declarations before mentioned, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made and provided is required, whereby they may be in danger of incurring divers penalties and disabilities: for quieting the minds of his majesty's subjects, and for preventing any inconveniencies that might otherwise happen by means of such omissions, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons who hath or have taken and subscribed, or who shall on or before the thirty-first day of *December* one thousand seven hundred and forty-three, take and subscribe the oaths and assurance respectively, in such cases wherein by law the said oaths or assurance ought to have been taken or subscribed, in such manner and form, and such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty king *George*, or by any other act or acts of parliament in that behalf made and provided; and also hath or have received, or shall before the said thirty-first day of *December* receive the sacrament of the Lord's supper, according to the usage of the church of *England*, and hath or have made and subscribed, or shall on or before the said thirty-first day of *December* make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, and also hath or have made and subscribed, or shall on or before the said thirty-first day of *December* make and subscribe the said declaration in the said statute made in the thirtieth year of the reign of the said king Charles the second, shall be and are hereby indemnified, freed and discharged of, from and against all penalties, forfeitures, incapacities and disabilities incurred, or to be incurred, for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or

13 Car. 2, st. 2, c. 1.

25 Car. 2, c. 2.

30 Car. 2, st. 2.

Further time allowed for taking the several oaths

receiving the sacrament, or making or subscribing the said declarations respectively, according to the above mentioned acts, or any of them, or any other act or acts concerning persons in offices or places of trust, and is and are, and shall be fully and actually recapacitated and restored to the same state and condition as such person and persons were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her or themselves, according to the above mentioned acts, and every of them, and that all acts done or to be done by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons had taken the said oaths or assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declarations respectively, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves in manner, and within the time appointed by this act, shall be to all intents and purposes as effectual, as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declarations within the time, and in the manner appointed by the several acts before mentioned.

13 & 14 Car. 2,
c. 4.

Further time
allowed to
persons read-
ing common
prayer, and
giving their
assent there-
to.

II. And whereas several persons who have been presented or collated to, or put in ecclesiastical benefices or promotions, within that part of *Great Britain* called *England*, the dominion of *Wales*, and the town of *Berwick-upon-Tweed*, by reason of sickness, imprisonment, disability of body, or otherwise, could not or did not read the morning and evening prayers, according to the book of common prayers, and declare his and their unfeigned assent and consent to the use of all things in the said book contained and subscribed, within the time limited by an act passed in the parliament holden in the thirteenth and fourteenth years of the reign of king *Charles* the second, intituled, *an act for the uniformity of public prayers, and administration of sacraments, and other rites, and for establishing the form of making, ordaining and consecrating bishops, priests and deacons, in the church of England*; now to prevent any inconveniencies that may happen by reason of such omissions; be it declared and enacted, by the authority aforesaid, that all and every person and persons who hath or have so omitted to read the said prayers, and to declare his or their said assent and consent within the time limited by the said act, but hath or have since performed the same, or who shall on or before the said thirty-first day of *December* perform the same, shall be, and he and they is and are, by virtue of the authority aforesaid, indemnified and recapacitated, and shall and may hold and enjoy the said benefices and promotions in as large and ample manner, to all intents and purposes, as if he or they had qualified themselves according to the directions of the said act; any thing in the said act, or in any laws or statute whatsoever, to the contrary in anywise notwithstanding.

III. And whereas by the said act of the twenty-fifth year of the reign of king *Charles* the second, amongst other things it is enacted, that all and every person and persons that shall be admitted, entered, placed or taken into any office or offices, civil or military, or shall

receive any pay, salary, fee or wages, by reason of any patent or grant of his majesty, or shall have command or place of trust from or under his majesty, his heirs or successors, or by his or their authority, or by authority derived from him or them, within this realm of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in his majesty's navy, or in the several islands of *Jersey* or *Guernsey*, shall receive the sacrament of the Lord's supper, according to the usage of the church of *England*, within three months after his or their admittance in, or receiving their said authority and employment, in some public church, upon some Lord's day, commonly called *Sunday*, immediately after divine service and sermon; which time of three months so limited in the said act, is found to be too short and inconvenient: now, for remedy thereof, and for amending the said act by enlarging the said time; be it enacted by the authority aforesaid, that from and after the said thirty-first day of *December*, all and every such person and persons as aforesaid, shall receive the sacrament of the Lord's supper, according to the usage of the church of *England*, within six months after his or their admittance in, or receiving their said authority and employment, in some public church upon some Lord's day, commonly called *Sunday*, immediately after divine service and sermon.

Persons chosen into offices may receive the Sacrament within six months after

IV. Provided always, and it is hereby further enacted by the authority aforesaid, that all and every person and persons aforesaid, that shall neglect or refuse to receive the sacrament of the Lord's supper, within the time, and at the places aforesaid, according to the direction of this act, shall be liable to, and incur all such disabilities, incapacities, penalties, and forfeitures, as in and by the said act of the twenty-fifth year of the reign of king *Charles* the second, are provided and inflicted for not receiving the sacrament as aforesaid.

Persons not complying with this act, shall incur all the disabilities of the act 25 Car. 2, c. 2.

V. Provided also, that this act or any thing herein contained shall not extend, or be construed to extend, to restore or entitle any person or persons, to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of his majesty's courts of record, or already filled up or enjoyed by another person; but that such office, employment, benefice, matter, or thing so avoided, or filled up and enjoyed as aforesaid, shall be and remain in and to the person or persons who is or are now entitled to the same, as if this act had never been made.

This act shall not indemnify persons already removed.

31 GEORGE 2, CAP. 21.—*An act for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.* EXP. Further time given for enrolling deeds and wills of papists till first *January* one thousand seven hundred and fifty-nine.

33 GEORGE 2, CAP. 13.—*An act for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.* EXP.

2 GEORGE 3, CAP. 26.—*An act for allowing further time for enrolments of deeds and wills made by papists; and for relief of protestant purchasers.* Further time given to twenty-fifth *December* one thousand seven hundred and sixty-two.

4 GEORGE 3, CAP. 38.—*An act for allowing further time for enrolments of deeds and wills made by papists; and for relief of protestant*

Preamble
reciting the
acts 3 Geo. 1,
c. 18.

10 Geo. 2, c. 4.

3 Geo. 2, c. 29.

6 Geo. 2, c. 5.

9 Geo. 2, c. 26.

11 Geo. 2,

c. 11.

12 Geo. 2,

c. 14.

16 Geo. 2,

c. 32.

19 Geo. 2,

c. 16.

26 Geo. 2,

c. 24.

28 Geo. 2,

c. 10.

purchasers.—Whereas by a clause in an act of parliament passed in the third year of the reign of his late majesty king *George* the first, intituled, *an act for explaining an act passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates, and for enlarging the time for such registering; and for securing purchases made by protestants;* it was enacted, that, from and after the twenty-ninth day of *September* in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments or any interest therein, or rent or profit thereout, should pass, alter or change from any papist or person professing the popish religion, by any deed or will, except such deed, within six months after the date, and such will, within six months after the death of the testator, should be enrolled in one of the king's courts of record at *Westminster*, or else within the same county or counties wherein the manors, lands and tenements lie, in such manner as therein for that purpose is particularly directed: and whereas by several acts of parliament made in the tenth year of his said late majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth and nineteenth years of the reign of his late majesty king *George* the second, it was enacted, that every deed and will which had been then made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not then enrolled, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the time limited, by the said clause in the said first mentioned act, for enrolment thereof, provided the said deeds and wills should be enrolled on or before the respective times in the said several acts respectively mentioned, in such manner as by the said first mentioned act was directed: and whereas by another act made in the twenty-sixth year of the reign of his late majesty king *George* the second, it was enacted, that every deed and will made since the first day of *December* one thousand seven hundred and forty-six, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills should be enrolled on or before the first day of *January* one thousand seven hundred and fifty-four, in such manner as by the said clause in the said first mentioned act is directed: and whereas by an act made in the twenty-eighth year of the reign of his late majesty king *George* the second, it was enacted that every deed and will made since the twenty-ninth day

of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills should be enrolled on or before the first day of *January* one thousand seven hundred and fifty-six, in such manner as by the said clause in the said first mentioned act is directed: and whereas by an act made in the thirty-first year of the reign of his late majesty king *George* the second, it was enacted, that every deed and will made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, should be as good and effectual in the law, as the same would have been in case the same deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the said deeds and wills should be enrolled on or before the first day of *January* one thousand seven hundred and fifty-nine, in such manner as by the said clause in the said first mentioned act is directed: and whereas by an act passed in the thirty-third year of his said late majesty's reign, it was enacted, that every deed and will made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills should be enrolled on or before the twenty-fifth day of *December* one thousand seven hundred and sixty, in such manner as by the said clause in the said first mentioned act is directed: and whereas by an act made in the second year of his present majesty's reign, it was

31 Geo. 2,
c. 21.

33 Geo. 2,
c. 13.

and 2 Geo. 3,
c. 26.

Further time
given for
enrolling
deeds and
wills of pa-
pists, till
1 Jan. 1765.

enacted, that every deed and will made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills should be enrolled on or before the twenty-fifth day of *December* one thousand seven hundred and sixty-two, in such manner as by the said clause in the said first mentioned act is directed; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every deed and will made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said acts for the enrolment thereof, provided the same deeds and wills shall be enrolled on or before the first day of *January* one thousand seven hundred and sixty-five in such manner as by the said clause in the said first mentioned act is directed.

No deed,
will, or lease
made good
hereby,
whereof ad-
vantage has
been taken of
the non en-
rolment
thereof, be-
fore 1 Jan.
1764.

II. Provided always, that nothing herein contained shall extend, or be construed to extend, to make good any such deed, will or lease, already made and not enrolled, of the want of enrolment whereof advantage shall have been taken on or before the first day of *January* one thousand seven hundred and sixty-four, but every such deed, will or lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force and effect.

Purchases
made by pro-
testants shall
stand good if

III. And whereas many purchases made by protestants, may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been enrolled according to the said acts, but have not been so enrolled; be it therefore further enacted by the authority aforesaid, that no purchase made for full and valuable consideration of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any protestant or protestants, and merely

and only for the benefit of the protestants, shall be impeached or avoided, for or by reason that any deed or will through which the title thereto is derived, hath not been enrolled as required by the said acts, so as no advantage was taken of enrolment thereof, before such purchase was made, and so as no decree or judgment have been obtained for want of the enrolment of such deeds or wills.

no advantage
has been
taken for non
enrolment.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to make good any grant, lease or mortgage, of the advowson, or right of presentation, collation, nomination or donation, of and to any benefice, prebend or ecclesiastical living, school, hospital or donative, or any avoidance thereof, made by any papist or person professing the popish religion, in trust, directly or indirectly, mediately or immediately, by or for any such papist or person professing the popish religion, whether such trust hath been declared by writing or not.

No grant,
lease, or
mortgage of
theadvowson
or right of
presentation
to a living,
&c. made by
any papist in
trust, &c. to
be hereby
deemed good

7 GEORGE 3, CAP. 34.—*An act for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.* EXP.

12 GEORGE 3, CAP. 10.—*An act for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.* EXP. First January, one thousand seven hundred and seventy-three.

14 GEORGE 3, CAP. 37.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.* Further time given till January first, one thousand seven hundred and seventy-five.

17 GEORGE 3, CAP. 45.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.* Further time given till January first, one thousand seven hundred and seventy-eight.

18 GEORGE 3, CAP. 46.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.* Further time given till January first, one thousand seven hundred and seventy-nine.

18 GEORGE 3, CAP. 60.—*An act for relieving his majesty's subjects professing the popish religion from certain penalties and disabilities imposed on them by an act, made in the eleventh and twelfth years of the reign of king William the third, intituled, an act for the further preventing the growth of popery.*—Whereas it is expedient to repeal certain provisions in an act of the eleventh and twelfth years of the reign of king William the third, intituled, *an act for the further preventing the growth of popery*, whereby certain penalties and disabilities are imposed on persons professing the popish religion; may it please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said act as relates to the apprehending, taking, or prosecuting, of popish bishops, priests, or jesuits; and also so much of the said act as subjects popish bishops, priests, or jesuits, and papists, or persons professing the popish religion, and keeping school, or taking upon themselves the education or government or

Preamble.

Act 11 & 12
Gul. 3.

Certain
clauses in
the said act,
relating to
the prosecut-
ing popish
bishops, &c.;

and imprisonment for life papists who keep schools; and disabling papists to inherit lands by descent, &c. in England or Wales, &c. &c.

repealed.

Persons having or claiming any lands &c. under titles not hitherto litigated, shall hold the same notwithstanding the said act. This act not to affect any action now depending, &c.; nor to extend to any person who shall not, within six months after passing this act or coming of age, &c. take the following oath.

The oath.

boarding of youth, within this realm, or the dominions thereto belonging, to perpetual imprisonment; and also so much of the said act as disables persons educated in the popish religion, or professing the same, under the circumstances therein mentioned, to inherit or take by descent, devise, or limitation, in possession, reversion, or remainder, any lands, tenements, or hereditaments, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, and gives to the next of kin, being a protestant, a right to have and enjoy such lands, tenements, and hereditaments; and also so much of the said act as disables papists, or persons professing the popish religion, to purchase any manors, lands, profits out of lands, tenements, rents, terms, or hereditaments, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, and makes void all and singular estates, terms, and other interests or profits whatsoever out of lands, to be made, suffered, or done, from and after the day therein mentioned, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, for the relief of any such person or persons; shall be, and the same, and every clause and matter and thing hereinbefore mentioned, is and are hereby repealed.

II. And be it enacted by the authority aforesaid, that every person and persons having or claiming any lands, tenements, or hereditaments, under titles not hitherto litigated, though derived from any descent, devise, limitation, or purchase, shall have, take, hold, and enjoy the same, as if the said act, or any thing therein contained, had not been made; any thing in the said act contained to the contrary notwithstanding.

III. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to affect any action or suit now depending, which shall be prosecuted with effect, and without delay.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to any person or persons but such who shall, within the space of six calendar months after the passing of this act, or of accruing of his, her, or their title, being of the age of twenty-one years, or who, being under the age of twenty-one years, shall, within six months after he or she shall attain the age of twenty-one years, or being of unsound mind, or in prison, or beyond the seas, then within six months after such disability removed, take and subscribe an oath in the words following:

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty king *George* the third, and him will defend, to the utmost of my power, against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his majesty's family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of prince of *Wales*, in the lifetime of his father, and who, since his death, is said to have

assumed the style and title of king of *Great Britain*, by the name of *Charles* the third, and to any other person claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also that unchristian and impious principle, that no faith is to be kept with heretics: I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure, the opinion, that princes excommunicated by the pope and council, or by any authority of the see of *Rome*, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do declare, that I do not believe that the pope of *Rome*, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath; without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the pope, or any authority of the see of *Rome*, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

Which oath it shall be competent to his majesty's high court of chancery, or to any of his majesty's courts of record at *Westminster*, the courts of great sessions within the principality of *Wales* and county palatine of *Chester*, the courts of chancery or common pleas within the counties palatine of *Lancaster* and *Durham*, or to any court of general or quarter sessions of the peace of any county, riding, liberty, city, borough, town, or place, in the kingdom of *England*, or in the principality of *Wales*, to administer, and they are hereby required to administer the same accordingly: of the taking and subscribing of which oaths a register shall be kept and preserved, in the manner prescribed by the laws now in being requiring oaths from persons taking offices or employments.

Court of chancery, courts of record at Westminster courts of great sessions in Wales, &c. may administer the oath.

A register to be kept of the taking and subscribing the same.

V. Provided always, and it is hereby enacted and declared, that nothing in this act contained shall extend, or be construed to extend, to any popish bishop, priest, jesuit, or schoolmaster, who shall not have taken and subscribed the above oath in the above words before he shall have been apprehended or any prosecution commenced against him.

This act not to extend to any popish bishop, &c. who shall not have taken the said oath before he was apprehended, &c.

18 GEORGE 3, CAP. 61.—*An act for repealing certain provisions in two acts, made in the first year of the reign of queen Anne; one intituled, an act for the relief of the protestant purchasers of the forfeited estates in Ireland; and the other intituled, an act for advancing the sale of the forfeited estates in Ireland, and for vesting such as remain unsold by the present trustees in her majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relative to*

Preamble.
Recital of an
act of 1 Anne,
sess. 1.;

Which was
further en-
forced by an
act of the
same year,
sess. 2.

the lord *Bophin* and sir *Redmond Everard*.—Whereas by an act, passed in the first session of the first year of queen *Anne*, intituled, *an act for the relief of the protestant purchasers of the forfeited estates in Ireland*, it is enacted, that all dispositions and sales of the several lands, tenements, and hereditaments, estates and interests, therein mentioned, which had been then sold or contracted for, or should be thereafter sold, by the trustees therein mentioned, should be made to protestants only; and that every papist, or person professing the popish religion, should be disabled and made incapable to take any part thereof, or any interest in or out of the same; and that all conveyances and declarations of trust to any papist, or person professing the popish religion, concerning the same, should be void and of none effect; and that no such papist, or person professing the popish religion, during his continuing to be such, should be capable to inherit, take, or make title to, by descent, purchase, limitation, devise, or other conveyance, or to have, hold, or enjoy, any of the said lands, tenements, and hereditaments, estates or interests, or any trust or interest therein; and that if any person professing the popish religion, or educated in the same, and not having solemnly and publicly renounced it, being of full age, shall not, within the space of six months after the accruing of his or her title, or, being under the age of eighteen years, shall not, within six months after he or she shall attain the age aforesaid, take the oath of allegiance and supremacy, and subscribe the declaration in the said act mentioned, and continue to be a protestant, every such person shall be disabled to inherit or take by descent, devise, or limitation, or purchase, any of the said estates or interests, or any trust or interest in or out of the same; but that, during the life of such person, or till his conformity, the next of his kindred who shall be a protestant shall have and enjoy the premises, without being accountable for the profits; and that all leases for lives or years, or otherwise, to be made of any of the said premises, shall be made to such persons only as are of the protestant religion: and if any such lease shall be made to, or in trust for, any papist, or person professing the popish religion; or if any such lease be made to a protestant, and the same shall be afterwards assigned to, or in trust for, a papist, or person professing the popish religion, every such lease and assignment shall be void, and the person making such lease or assignment, and the person to whom, or for whose use or benefit, the same shall be made (in case of acceptance), shall forfeit treble the full value of the said lands so assigned and accepted: and whereas the said several prohibitions and penalties were re-enacted and further enforced, by an act passed in the second session of the first year of her majesty queen *Anne*, intituled, *an act for advancing the sale of the forfeited estates in Ireland; and for vesting such as remain unsold by the present trustees in her majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relative to the lord Bophin and sir Redmond Everard*: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

assembled, and by the authority of the same, that the said herein recited acts, passed in the first year of the reign of her late majesty queen *Anne*, so far as they prohibit, disqualify, or disable any papist, or person professing the popish religion, from taking, holding, or enjoying, any estate, right, title, interest, claim, property, or demand, of, to, or in, any of the lands, tenements, hereditaments, estates, or interests, in the said acts mentioned; or which inflict any penalty on the person making or accepting any interest in the same, shall, from and after the passing of this act, be repealed, and cease and be void to all intents and purposes whatsoever.

The recited acts in part repealed.

22 GEORGE 3, CAP. 23.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Whereas by a clause in an act of parliament, passed in the third year of the reign of his late majesty king *George* the first, intituled, *an act for explaining an act, passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates; and for enlarging the time for such registering; and for securing purchases made by protestants;* it was enacted, that, from and after the twenty-ninth day of *September*, in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments, or any interest therein, or rent or profit thereout, should pass, alter, or change, from any papist, or person professing the popish religion, by any deed or will, except such deed, within six months after the date, and such will, within six months after the death of the testator, should be enrolled in one of the king's courts of record at *Westminster*, or else within the same county or counties wherein the manors, lands, and tenements lie, in such manner as therein, for that purpose, is particularly directed: and whereas by several acts of parliament, made in the tenth year of his said late majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth, nineteenth, twenty-first, twenty-eighth, thirty-first, and thirty-third of his late majesty king *George* the second; and the second, fourth, seventh, twelfth, fourteenth, seventeenth, and eighteenth years of his present majesty's reign, it was enacted, that every deed and will, made since the twenty-ninth day of *September* one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist, or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not enrolled, or not enrolled in due time, shall be as good and effectual in law as the same would have been in case the said deeds and wills had been enrolled within the times limited by the said clauses in the said act, for the enrolment thereof; provided the said deeds and wills should be enrolled on or before the respective times in the said several acts for that purpose mentioned, in such manner as by the said clause in the first mentioned act is directed: and whereas several persons having or claiming, or being entitled to estates or interests in manors, lands, and hereditaments, under deeds and wills made by papists, or

Preamble.
Act 3 Geo. 1,
recited.

Deeds and wills of papists, &c. made since Sept. 29, 1717, to be good in law, if enrolled before Sept. 1, 1782.

This act not to extend to deeds, &c. the validity whereof has been brought in question before Jan. 1, 1782.

Purchases made by protestants not to be avoided, on account of the title deeds not having been enrolled, &c.

This act not to make good any grant of the right of presentation to any benefice, &c. in trust for any papist.

persons professing the popish religion, may be in danger of being defeated or impeached, in his, her, or their claim or claims, title or titles, to such manors, lands, and hereditaments, by reason that some deeds or wills necessary to make out the title have not been duly enrolled, according to the directions of the said act: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every deed and will, made since the twenty-ninth day of *September*, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist, or person professing the popish religion, to any person or persons whomsoever, though not enrolled, or not enrolled in due time, shall be as good and effectual in the law as the same would have been in case the said deeds and wills had been enrolled within the times limited, by the said clauses in the said acts, for the enrolment thereof; provided the same deeds and wills shall be enrolled on or before the first day of *September*, one thousand seven hundred and eighty-two, in such manner as by the said clause in the said first mentioned act is directed.

II. Provided always, that nothing herein contained shall extend, or be construed to extend, to make good any such deed, will, or lease, already made and not enrolled, of the want of enrolment whereof advantage shall have been taken on or before the first day of *January*, one thousand seven hundred and eighty-two; but every such deed, will, or lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force and effect.

III. And whereas many purchases made by protestants may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been enrolled according to the said acts, but have not been so enrolled; be it therefore further enacted by the authority aforesaid, that no purchase made for full and valuable consideration of any manors, messuages, lands, tenements, or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of the protestants, shall be impeached or avoided, for or by reason that any deed or will, through which the title thereto is derived, hath not been enrolled as required by the said acts, so as no advantage was taken of enrolment thereof before such purchase was made, and so as no decree or judgment hath been obtained for want of the enrolment of such deeds or wills.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to make good any grant, lease, or mortgage, of the advowson or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any avoidance thereof, made by any papist, or person professing the popish religion, in trust, directly or indirectly, mediately or immediately, by or for any such papist, or person professing the popish religion, whether such trust hath been declared by writing or not.

23 GEORGE 3, CAP. 22.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Preamble. Act 3 George 1, recited. Deeds and wills of papists, &c., made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *September* first, one thousand seven hundred and eighty-three. This act not to extend to deeds, &c., the validity whereof has been brought in question before *January* first, one thousand seven hundred and eighty-three. Purchases made by protestants not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

24 GEORGE 3, SESS. 1, CAP. 16.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Act 3 George 1, recited. Deeds and wills of papists, &c., made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *September* first, one thousand seven hundred and eighty-four. This act not to extend to deeds, &c., the validity whereof has been brought in question before *January* first, one thousand seven hundred and eighty-four. Purchases made by protestants not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

27 GEORGE 3, CAP. 42.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for the relief of purchasers.*—Act 3 George 1, recited. Deeds and wills of papists, &c. made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *October* first, one thousand seven hundred and eighty-seven. Not to extend to deeds, &c., the validity whereof has been brought in question before *April* first, one thousand seven hundred and eighty-seven. Purchases made not to be avoided on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

28 GEORGE 3, CAP. 47.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Act 3 George 1, recited. Deeds and wills of papists, &c. made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *September* first, one thousand seven hundred and eighty-eight. Not to extend to deeds, &c., the validity whereof has been brought in question before *January* first, one thousand seven hundred and eighty-eight. Purchases made not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

29 GEORGE 3, CAP. 36.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Act 3 George 1, recited. Deeds and wills of papists, &c., made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *September* first, one thousand seven hundred and eighty-nine. Not to

extend to deeds, &c., the validity whereof has been brought in question before *January* first, one thousand seven hundred and eighty-nine. Purchases made not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

30 GEORGE 3, CAP. 19.—*An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers.*—Act 3 *George* 1, recited. Deeds and wills of papists, &c., made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law if enrolled before *September* first, one thousand seven hundred and ninety. Not to extend to deeds, &c., the validity whereof has been brought in question before *January* first, one thousand seven hundred and ninety. Purchases made not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c., in trust for any papist.

Preamble. 31 GEORGE 3, CAP. 32.—*An act to relieve, upon conditions, and under restrictions, the persons therein described, from certain penalties and disabilities to which papists, or persons professing the popish religion, are by law subject.*—Whereas, by divers laws now in force, divers penalties and disabilities have been imposed on papists or persons professing the popish religion, or holding communion with the see of *Rome*, and their children, and certain principles have been attributed to them which are dangerous to society and civil liberty, and which they are willing to disclaim: and whereas it is expedient that such persons as shall take the oath of allegiance, abjuration, and declaration hereinafter mentioned, shall be relieved from some of the penalties and disabilities aforesaid: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the twenty-fourth day of *June* one thousand seven hundred and ninety-one, it shall be lawful for persons professing the *Roman* catholic religion personally to appear in any of his majesty's courts of chancery, king's bench, common pleas, or exchequer, at *Westminster*, or in any court of general quarter sessions of and for the county, city, or place, where such person shall reside, and there, in open court, between the hours of nine in the morning and two in the afternoon, take, make, and subscribe the following declaration and oath; viz.—

Roman catholics may make the following declaration and oath, which are to remain in the court of record where made.

Declaration.

I *A. B.* do hereby declare, that I do profess the *Roman* catholic religion.

Oath.

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty king *George* the third, and him will defend to the utmost of my power against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown; which succession,

by an act, intituled, *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia* electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants; hereby utterly renouncing and abjuring any obedience or allegiance, unto any other person claiming or pretending a right to the crown of these realms: and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics or infidels; and also that unchristian and impious principle, that faith is not to be kept with heretics or infidels: and I further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or any authority of the see of *Rome*, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinions contrary to what is expressed in this declaration: and I do declare, that I do not believe, that the pope of *Rome*, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever; and without any dispensation already granted by the pope, or any authority of the see of *Rome*, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope or any other person or authority whatsoever shall dispense with or annul the same, or declare that it was null or void.

So help me God.

Which said declaration and oath shall be subscribed by the person taking and making the same with the name at length, if such person can write, or with his mark, the name being written by the officer, where such person cannot write, such person or such officer, as the case may be, adding the title, addition and place of abode, of such person, and shall remain in such court of record: and the proper officer of such court respectively, with whom the custody of such record shall remain, shall make, subscribe, and deliver a certificate of such declaration and oath having been duly made, taken, and subscribed, to the person who shall have so made, taken, and subscribed the same, if the same shall be demanded, immediately, for which certificate there shall be paid no greater fee or reward than two shillings; and such certificate, upon proof of the certifier's hand, and that he acted as such officer, shall be competent and sufficient evidence of such persons having duly made, taken, and subscribed such declaration and oath, unless the same shall be falsified.

Officer of the court to deliver certificates of the declaration and oath having been made, which shall be sufficient evidence.

II. And be it further enacted, that the said officer with whom such records are kept as aforesaid shall, yearly, on or before the twenty-fifth day of *December*, transmit to the clerk of his majesty's most honorable privy council, lists of the persons, with their titles,

Lists of the persons who shall have taken the oath to be transmitted

to the clerk
of the privy
council an-
nually.

1 Eliz. c. 2.;

23 Eliz. c. 1.;

29 Eliz. c. 6.;

35 Eliz. c. 2.;

2 (vulgo 1)
Jac. 1, c. 4.;

3 Jac. 1, c. 4.;

3 Jac. 1, c. 5.;

7 Jac. 1, c. 6,
recited.

No Roman
catholic who
shall have
taken the
oath appoint-
ed, to be pro-
secuted for
not resorting
to some pa-
rish church,
&c.

additions, and places of abode, who shall have made and subscribed such declaration and oath in the preceding year.

III. And whereas, by an act passed in the first year of the reign of her late majesty queen *Elizabeth*, intituled, *an act for the uniformity of common prayer and service of the church, and administration of the sacraments*; and by several other acts, namely, an act passed in the twenty-third year of the reign of her said late majesty, intituled, *an act to retain the queen's majesty's subjects in their due obedience*; an act passed in the twenty-ninth year of the reign of her said late majesty, intituled, *an act for the more speedy and due execution of certain branches of the statute made in the twenty-third year of the queen's majesty's reign*, intituled, an act to retain the queen's majesty's subjects in their due obedience; an act passed in the thirty-fifth year of the reign of her said late majesty, intituled, *an act for restraining of popish recusants to some certain places of abode*; an act passed in the second, or, as it is commonly called, in the first year of the reign of his late majesty king *James* the first, intituled, *an act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.*; an act passed in the third year of the reign of his said late majesty king *James* the first, intituled, *an act for the better discovering and repressing popish recusants*; an act passed in the said third year of his said late majesty king *James* the first, intituled, *an act to prevent and avoid dangers which may grow by popish recusants*; and an act passed in the seventh year of the reign of his said late majesty king *James* the first, intituled, *an act for administering the oath of allegiance and reformation in married women, recusants*; all persons are required to resort to their parish church or chapel, or some usual place where the common prayer shall be used, upon pain of incurring the punishments and disabilities in the said acts respectively mentioned; and also are liable to prosecution and penalties for keeping or having in their houses any servant or other person not so resorting: now be it further enacted, that, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, no person professing the *Roman* catholic religion, who shall take and subscribe the oath hereinbefore appointed to be taken and subscribed, shall be convicted or prosecuted upon, or shall be liable to be prosecuted upon, the said last recited statutes, or any of them, or upon any other statute, or any other law of this realm, by indictment, information, action of debt, or otherwise, or shall be prosecuted in any ecclesiastical court, for not resorting or repairing to his or her parish church or chapel, or some other usual place of common prayer, to hear divine service, and join in public worship according to the forms and rites of the church of *England*, as by law established, or for keeping or having any servant or other person, being a papist, or reputed papist, or person professing the popish religion, who shall not so resort or repair to his or her parish church or chapel, or some such other usual place of common prayer as aforesaid.

IV. And whereas, by several acts, namely, the said act passed in the twenty-third year of the reign of her said late majesty queen *Elizabeth*; an act passed in the twenty-seventh year of the reign of her said late majesty, intituled, *an act against jesuits, seminary priests, and other such like disobedient persons*; the said act passed in the

thirty-fifth year of the reign of her said late majesty queen *Elizabeth*; 35 Eliz. c. 2.; the said act passed in the first year of the reign of his said late majesty king *James* the first; the said second mentioned act, passed 2 (vulgo 1) Jac. 1, c. 4.; in the third year of the reign of his said late majesty king *James* the first; an act passed in the third year of the reign of his late majesty king *Charles* the first, intituled, *an act to restrain the passing of any to be popishly bred beyond the seas*; and an act passed in the twenty-fifth year of the reign of his late majesty king *Charles* the second, intituled, *an act for preventing dangers which may happen from popish recusants*; papists, reputed papists, persons professing or educated in the popish religion, popish recusants, popish recusants convict, persons reconciled to or holding communion with the see of *Rome*, popish bishops, priests, or deacons, persons entering or belonging to any ecclesiastical order or community of the church of *Rome*, persons hearing or saying mass, or being present at, or conforming to, or performing or observing any rite, ceremony, practice, or observance of the church of *Rome*, or maintaining or assisting others therein, are made subject to the punishments, penalties, and disabilities therein mentioned: now be it further enacted, that, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, no person who shall take and subscribe the oath hereinbefore appointed to be taken and subscribed in manner hereby required, shall be presented, indicted, sued, impeached, prosecuted, or convicted, in any civil or ecclesiastical court of this realm, for being a papist, or reputed papist, or for professing or being educated in the popish religion, or for hearing or saying mass, or for being a priest or deacon, or entering or belonging to any ecclesiastical order or community of the church of *Rome*, or for being present at, or performing or observing any rite, ceremony, practice or observance of the popish religion, or maintaining or assisting others therein.

3 Jac. 1, c. 5.;
3 Car. 1, c. 2,
and
25 Car. 2, c. 2,
recited.

No person who shall have taken the appointed oath prosecutable for being a papist, &c.

No assembly for religious worship allowed under this act till it shall be certified to the quarter sessions, &c.

nor any person to perform any ecclesiastical function therein, until his name, &c. be recorded by the clerk of the peace.

V. Provided always, and be it further enacted, that no place of congregation, or assembly for religious worship, shall be permitted or allowed by this act, until the place of such meeting shall be certified to the justices of the peace, at the general or quarter sessions of the peace for the county, city, or place in which such meeting shall be held, and until the place of such meeting shall be recorded at the said general or quarter sessions; the clerk of the peace whereof is hereby required to record the same, and to give a certificate thereof to such person as shall demand the same, for which there shall be no greater fee or reward taken than the sum of six-pence; and that no person in holy orders, or pretended holy orders, whether as priest or as a minister of any other higher rank or order, shall perform any ecclesiastical function, or otherwise officiate in any such place of meeting, until his name, and his description, as a priest or minister, shall have been recorded at the quarter or other general session of the peace for the county, or other division, or place, in which such place of meeting shall be situate, by the clerk of the peace of the said court; who is hereby required to record such name and description accordingly, upon demand by such person, and upon payment of six-pence as a fee or reward, and shall give a certificate thereof to such person as shall from time to time demand the same, for which certificate no greater fee or reward shall be taken than two

shillings; and no priest or minister of any rank, in holy orders, or pretended holy orders, who shall officiate in any such place of meeting, not so recorded as aforesaid, shall be deemed to be within the benefit of this act, for any purpose whatsoever.

No such place of assembly to be locked during the meeting.

VI. Provided always, and be it further enacted, that if any assembly of persons professing the *Roman* catholic religion shall be had in any place for religious worship, with the doors locked, barred, or bolted during any time of such meeting together, all and every person and persons, who shall come to or be at such meeting, shall not receive any benefit from this law; but, notwithstanding having taken the aforesaid oath of allegiance, abjuration, and declaration, shall, from the time of conviction, be liable to the same pains and penalties, for such their meeting, as if this act had not been made.

Roman catholics may execute the office of constable, &c, by deputy.

VII. And be it further enacted, that if any person professing the *Roman* catholic religion shall hereafter be chosen or otherwise appointed to bear the office of high constable* or petty constable, churchwarden, overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices, in regard of the oaths or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment by a sufficient deputy by him to be provided, that shall comply with the laws in this behalf; but the said deputy shall be allowed and approved by such person or persons, in such manner as such officer or officers respectively should by law have been allowed and approved.

Ministers of any Roman catholic congregation who shall take the aforesaid oath, exempted from serving on juries, &c.

VIII. And be it further enacted, that every priest, or other person in holy orders, or pretended holy orders, being a minister, teacher, or preacher of any congregation of persons professing the *Roman* catholic religion, who shall take and subscribe the aforesaid oath of allegiance, abjuration, and declaration, in manner hereinbefore prescribed, shall from thenceforth be exempted from serving upon any jury, or from being chosen or appointed to bear the office of churchwarden, overseer of the poor, or any other parochial or ward office, or other office, in any hundred of any shire, city, town, parish, division, or wapentake.

Laws for frequenting divine service to continue in force.

IX. Provided always, and be it further enacted, that all the laws made and provided for the frequenting of divine service on the Lord's day, commonly called *Sunday*, shall be still in force, and executed against all persons who shall offend against the said laws, unless such persons shall come to some congregation or assembly of religious worship permitted by this act, or by an act passed in the first year of the reign of king *William* and queen *Mary*, intituled, *an act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws*.

Penalty on persons disturbing congregations, or misusing priests.

X. And be it further enacted, that if any person or persons do and shall, willingly and of purpose, maliciously or contemptuously come into any place of congregation, or assembly of religious worship, permitted by this act, and disquiet or disturb the same, or misuse any priest, minister, preacher, or teacher therein, such person or persons, upon proof thereof before any justice of the peace, by two or more sufficient witnesses, shall find two sureties of the peace, to be bound, by recognizance, in the penal sum of fifty pounds, and,

in default of such sureties, shall be committed to prison, there to remain till the next general or quarter session, and, upon conviction of the said offence, at the said general or quarter session, shall suffer the pain and penalty of twenty pounds, to the use of the king's majesty, his heirs and successors.

XI. Provided always, and be it further enacted, that no benefit in this act contained shall extend, or be construed to extend, to any *Roman* catholic ecclesiastic permitted by this act, who shall officiate in any place of congregation or assembly for religious worship permitted by this act, with a steeple and bell, or at any funeral in any church or church yard, or who shall exercise any of the rites or ceremonies of his religion, or wear the habits of his order, save within some place of congregation or assembly for religious worship permitted by this act, or in a private house, where there shall not be more than five persons assembled, besides those of the household, or who shall not previously to his so officiating or exercising his functions as aforesaid have taken and subscribed the oath of allegiance, abjuration, and declaration hereby appointed to be taken as aforesaid.

Act not to extend to Roman catholic ecclesiastics in certain cases;

XII. Provided also, and be it further enacted, that nothing herein contained shall be construed to exempt any such person professing the *Roman* catholic religion, from paying tithes or other parochial duties, or any other duties to the church or minister, or from any prosecution in any ecclesiastical court, or elsewhere, for the same; or to repeal any part of the act made in the twenty-sixth year of the reign of his late majesty king *George* the second, intituled, *an act for the better preventing of clandestine marriages*, or any parts of any other statutes concerning marriages; or to give any ease, benefit, or advantage to any person who shall, by preaching, teaching, or writing, deny or gainsay the oath of allegiance, abjuration, and declaration, hereinbefore mentioned and appointed to be taken as aforesaid, or the declarations or doctrines therein contained, or any of them; or to repeal or affect any law now in force concerning the right or succession to, or the limitation of, the crown.

nor to exempt Roman catholics from paying tithes, &c.;

nor to repeal any part of 26 Geo. 2, c. 33, &c.

XIII. And be it further enacted by the authority aforesaid, that no ecclesiastic or other person professing the *Roman* catholic religion, who shall take and subscribe the oath of allegiance, abjuration, and declaration, hereinbefore mentioned and appointed to be taken and subscribed as aforesaid, shall be prosecuted in any court whatsoever, for teaching and instructing youth, as a tutor or schoolmaster, any law or statute to the contrary notwithstanding.

No Roman catholic who shall take the appointed oath prosecutable for teaching youth;

XIV. Provided always, that no person professing the *Roman* catholic religion shall obtain or hold the mastership of any college or school of royal foundation, or of any other endowed college or school for the education of youth, or shall keep a school in either of the universities of *Oxford* and *Cambridge*.

but no Roman catholic to hold the mastership of any college or school of royal foundation. &c.

XV. Provided also, and be it further enacted by the authority aforesaid, that no schoolmaster professing the *Roman* catholic religion shall receive into his school, for education, the child of any protestant father.

No Roman catholic schoolmaster to educate in his school any child of a protestant father;

XVI. Provided also, and be it further enacted by the authority aforesaid, that no person professing the *Roman* catholic religion shall be permitted to keep a school for the education of youth, until his

nor to keep a school until his name, &c.

shall have been recorded by the clerk of the peace.

or her name and description as a *Roman* catholic schoolmaster or schoolmistress shall have been recorded at the quarter or general session of the peace for the county or other division or place where such school shall be situated, by the clerk of the peace of the said court, who is hereby required to record such name and description accordingly, upon demand by such person, and to give a certificate thereof to such person as shall at any time demand the same; and no person offending in the premises shall receive any benefit of this act.

No religious order, &c. to be founded by Roman catholics, &c.

XVII. Provided also, and be it further enacted, that nothing in this act contained shall make it lawful to found, endow, or establish any religious order or society of persons bound by monastic or religious vows, or to found, endow, or establish any school, academy, or college, by persons professing the *Roman* catholic religion, within these realms, or the dominions thereunto belonging; and that all uses, trusts, and dispositions, whether of real or personal property, which immediately before the said twenty-fourth day of *June* one thousand seven hundred and ninety-one shall be deemed to be superstitious or unlawful, shall continue to be so deemed and taken, any thing in this act contained notwithstanding.

1 Eliz. c. 1.

XVIII. And whereas by an act, made in the first year of the reign of her late majesty queen *Elizabeth*, intituled, *an act to restore to the crown the ancient jurisdiction over the estate, ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, the persons therein mentioned were made compellable to take the oath therein mentioned, commonly called *the oath of supremacy*: and

3 Jac. 1, c. 4.

whereas by an act made in the third year of the reign of his late majesty king *James* the first, intituled, *an act for the better discovering and repressing popish recusants*, another oath, commonly called *the oath of allegiance or obedience*, was required to be taken by the persons therein mentioned: and whereas by an act made in the first

1 W. & M. sess. 1, c. 8.

session of the first year of the reign of king *William* and queen *Mary*, intituled, *an act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, the said oaths, so required by the said acts of the first of *Elizabeth* and the third of *James* the first, were abrogated, and a new oath of allegiance, and a new oath of supremacy, were introduced and required to be taken: and whereas

1 Geo. 1, sess. 2, c. 13.

by an act made in the second session of the first year of the reign of his late majesty king *George* the first, intituled, *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*; amongst other oaths thereby appointed to be taken, one is an oath of supremacy, in the same words as the oath of supremacy required by the said recited act of the first session of the first year of king *William* and queen *Mary*: and whereas, under the provisions of the said two last recited acts, persons in general are liable to have the oath of supremacy therein mentioned tendered to them, and are exposed to penalties for not taking such oath when tendered, as is required by the said two last recited acts respectively: and whereas by the said act passed in the twenty-fifth year of the reign of his said majesty king *Charles* the second, there

is contained a declaration, commonly called *the declaration against transubstantiation*; be it further enacted, that, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, no person shall be summoned to take the oath and make the declaration above mentioned, or be prosecuted for not obeying such summons. sess. 1, c. 8.; or the declaration required by 1 W. & M. Car. 2, c. 2.;

No person to be summoned to take the oath required by 1 W. & M. Car. 2, c. 2.;

XIX. And be it also enacted, that, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, the act passed in the first year of the reign of their majesties king *William* and queen *Mary*, intituled, *an act for the removing papists, and reputed papists from the cities of London and Westminster*, shall not extend, or be deemed, taken, or construed to extend, to any person professing the *Roman* catholic religion, who shall take and subscribe the oath of allegiance, abjuration, and declaration, hereinbefore appointed to be taken and subscribed. nor 1 W. & M. ses. 1, c. 9. to extend to Roman catholics who have taken the appointed oath,

nor 1 W. & M. ses. 1, c. 9. to extend to Roman catholics who have taken the appointed oath,

XX. And whereas by a clause in an act passed in the thirtieth year of the reign of king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, it was enacted, that, amongst other persons therein described, every peer of the realm of *England*, and member of the house of peers, and every peer of the kingdom of *Scotland* or of the kingdom of *Ireland*, being of the age of one and twenty years or upwards, not having taken the oaths and declaration therein mentioned, and who should come advisedly into or remain in the presence of the king's majesty or queen's majesty, or should come into the court or house where they or any of them reside, as well during the reign of his then majesty, as during the reigns of any his royal successors, kings or queens of *England*, should incur all the pains, penalties, forfeitures, and disabilities in the said act mentioned or contained, unless such peers should, in the next term after such his coming or remaining, take the said oaths, and make and subscribe the said declaration in his majesty's high court of chancery, between the hours of nine and twelve in the forenoon: now be it further enacted, that, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, no peer of *Great Britain* or *Ireland*, or member of the house of peers of *Great Britain*, or of the kingdom of *Ireland*, professing the *Roman* catholic religion, who shall take and subscribe the oath of allegiance, abjuration, and declaration, hereinbefore appointed to be taken and subscribed, shall be liable to be prosecuted for such offence, in the said recited act of the thirtieth year of king *Charles* the second, or be liable to any of the pains, penalties, forfeitures, and disabilities for breach of the provision in the said clause contained, or be otherwise deemed to fall within, or be affected by, any part of the said provision. 30 Car. 2, st. 2, clause 5, recited;

30 Car. 2, st. 2, clause 5, recited;

and no peer who shall have taken the appointed oath to be liable to prosecution under that act.

XXI. And whereas by an act passed in the second session of the first year of the reign of his late majesty king *George* the first, intituled, *an act to oblige papists to register their names and real estates*, all and every such person and persons as therein are described are, in default of taking, within the time thereby limited, the several oaths of allegiance, supremacy, and abjuration, required by the said act passed in the first session of the first year of the reign of his said

1 Geo. 1, ses. 2, c. 55, and

3 Geo. 2, c.
18, recited,

and repealed;

and no per-
son liable to
prosecution
for not hav-
ing complied
therewith.

7 & 8 W. 3,
c. 4.; and

1 Geo. 1, st.
2, c. 13, reci-
ted; and

the oaths and
declaration
therein men-
tioned no
longer to be
required, but

late majesty king *George* the first hereinbefore recited, and of repeat-
ing and subscribing the declaration against transubstantiation and
popery, expressed in and required by the said act passed in the
second session of the thirtieth year of the reign of king *Charles* the
second, required to register their names, and also their lands, tene-
ments, and hereditaments, in manner and under the penalties in the
said now reciting statute mentioned and expressed: and whereas
by an act passed in the third year of the reign of his said majesty
king *George* the first, intituled, *an act for explaining an act passed
in the last session of parliament, intituled, an act to oblige papists to
register their names and real estates; and for enlarging the time of
such registering, and for securing purchases made by protestants*, and
by other subsequent acts, it is enacted, that no manors, lands, or
any interest therein, or rent or profit thereout, should pass, alter or
change from any papist or person professing the popish religion, by
any deed or will, except such deed, within six months after the date,
and such will, within six months after the death of the testator,
be enrolled in one of the king's courts of record at *Westminster*,
or within the county wherein the manors, or lands do lie: now be
it further enacted, that the said two last recited acts, passed in the
first and third years of the reign of his said majesty king *George* the
first, and also such parts of all other acts as require the registry of
the names and estates of persons being papists, or professing the
popish religion, or being reputed to be such, shall be, and the same
are hereby utterly repealed, abrogated, and made void; and from
and after the said twenty-fourth day of *June* one thousand seven
hundred and ninety-one, no person whatsoever shall be prosecuted,
sued, molested, or otherwise affected by reason of not having com-
plied with or conformed to the said hereby repealed acts and parts
of acts, or any of them; and all deeds and wills shall, from and after
the said twenty-fourth day of *June* one thousand seven hundred and
ninety-one, be as good and effectual, both at law and in equity, and
to and for all intents and purposes whatsoever, as if the said hereby
repealed acts and parts of acts had never been made.

XXII. And whereas by an act, passed in the seventh and eighth
years of the reign of king *William* the third, intituled, *an act requir-
ing the practisers of laws to take the oaths and subscribe the declaration
therein mentioned*; and an act, passed in the first year of the reign
of his majesty king *George* the first, intituled, *an act for the
further security of his majesty's person and government, and the suc-
cession of the crown in the heirs of the late princess Sophia, being
protestants; and for extinguishing the hopes of the pretended prince
of Wales, and his open and secret abettors*, all persons acting as a
counsellor at law, barrister, attorney, solicitor, clerk, or notary,
by practising in any manner as such in any court or courts what-
soever, not having, before the time of such acting, taken the
oaths and declaration in the said acts respectively prescribed, are
made liable to the penalties in the same acts respectively mentioned:
now, be it further enacted, that the oaths and declaration in and by
the said last mentioned acts respectively mentioned and appointed
to be taken and subscribed by persons acting as a counsellor at law,
barrister, attorney, solicitor, clerk, or notary, as in the said acts

respectively is mentioned, shall, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, be no longer put or administered to, or required to be taken by, any person professing the *Roman* catholic religion, as a qualification or requisite to enable him to act in the capacities aforesaid, or any of them, but the oath of allegiance, abjuration, and declaration, hereinbefore appointed to be taken and subscribed, shall, from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, be administered, taken, and subscribed to and by persons professing the *Roman* catholic religion, and acting or requiring to act in the capacities aforesaid, or any of them, in the stead and place of the said oaths and declaration, and every of them; and in order thereto the oath of allegiance, abjuration, and declaration, hereinbefore appointed to be taken and subscribed, may and shall be administered, taken, and subscribed in the same courts, and may and shall be registered in the same manner, as the oaths and declaration in the room of which it is hereby substituted, are by the acts so prescribing the same oaths and declaration respectively as aforesaid appointed to be administered, taken, subscribed, and registered, and when so taken, subscribed, and registered, shall, for the purpose of enabling persons professing the *Roman* catholic religion to act in the capacities aforesaid, or any of them, have the same effect and operation, to all intents, constructions, and purposes whatsoever, as the oaths and declaration in the room of which it is hereby substituted.

the oath hereby appointed, to qualify persons to act as counselors, &c.

XXIII. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to that part of *Great Britain* called *Scotland*.

Act not to extend to Scotland.

33 GEORGE 3, CAP. 44.—*An act for requiring a certain form of oath of abjuration, and declaration, from his majesty's subjects, professing the Roman catholic religion, in that part of Great Britain called Scotland.*—Whereas by an act of the parliament of *Scotland*, made in the eighth and ninth session of the first parliament of his late majesty king *William* the third, intituled, *an act for preventing the growth of popery*, several penalties and disabilities are imposed upon all persons professing the *Roman* catholic religion, within that part of the kingdom of *Great Britain* called *Scotland*, who shall refuse to make a renunciation of popery, according to the formula thereunto subjoined, in the manner therein expressed: and whereas the rigour of the aforesaid act, at the time of its passing, was chiefly judged expedient, in order to preserve the government against the attempts or efforts of those persons, who then did, or were supposed to acknowledge the temporal superiority or power of the pope, or see of *Rome*, over that part of the realm of *Great Britain* called *Scotland*, which is contrary to, and inconsistent with the allegiance of the subjects of the said realm: and whereas the aforesaid formula contains only a renunciation of speculative and dogmatical opinions, but imports no positive assurance of the submission and attachment of the persons making the same to the laws and constitution of the realm, or to the person of his most sacred majesty: and whereas, in and by an act of parliament, made in the thirty-first year of the reign of his present majesty, intituled, *an act to relieve, upon certain*

Act of the parliament of Scotland of the 8th & 9th session Will. 3, first parliament, recited.

31 Geo. 3, c. 32

Roman catholics in Scotland taking an oath, &c. to be relieved from the penalties imposed by the recited act of Will. 3.

conditions and under certain restrictions, the persons therein described, from certain penalties and disabilities, to which papists, or persons professing the popish religion, are by law subject, a certain form of oath, abjuration, and declaration was prescribed to be taken and subscribed by all persons professing the *Roman* catholic religion, which was found a proper and sufficient test of the loyalty of such persons who should take and subscribe the same; and upon the taking and subscribing thereof they became exempted and relieved from many pains, penalties, and disabilities to which they were before subject and liable; and by the said act it was provided, that nothing therein contained should extend to that part of *Great Britain* called *Scotland*: and whereas it is now found expedient, that one common form of oath, abjuration, and declaration, shall be taken and subscribed by all his majesty's subjects professing the *Roman* catholic religion, throughout the whole kingdom of *Great Britain*, and that similar advantages shall be annexed to the taking and subscribing of the same: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from henceforth all persons professing the *Roman* catholic religion, within that part of the kingdom of *Great Britain* called *Scotland*, who shall take and subscribe the oath, abjuration, and declaration, hereinafter expressed, and in the manner hereby directed and required, shall be exempted and relieved from all the pains, penalties, and disabilities imposed, enacted, revived, ratified, and confirmed by the before mentioned act of the eighth and ninth session of the first parliament of king *William* the third, as fully and effectually, to all intents and purposes whatsoever, as if such persons had actually made the renunciation of popery thereby ordained according to the formula thereunto subjoined.

II. And be it further enacted by the authority aforesaid, that the oath, abjuration, and declaration, to be so taken and subscribed, shall be in the words following; (that is to say),

Form of oath, &c.

I *A. B.* do hereby declare, that I do profess the *Roman* catholic religion:

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty king *George* the third, and him will defend to the utmost of my power against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown; which succession, by an act, intituled, *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person, claiming or pretending a right to the crown of these realms: and I do swear, that I do reject and detest, as an

unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics or infidels; and also that unchristian and impious principle, that faith is not to be kept with heretics or infidels: and I further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or any authority of the see of *Rome*, or by any other authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinion contrary to what is expressed in this declaration: and I do declare, that I do not believe, that the pope of *Rome*, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the pope, or any authority of the see of *Rome*, or any person whatever, and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or authority whatsoever, shall dispense with or annul the same, and declare that it was null or void.

So help me God.

III. And be it further enacted by the authority aforesaid, that the blanks in the said oath shall be filled up, as the case shall require, with the name of his majesty king *George* the third, or of him or her who shall by virtue of the said act for limitation of the crown, and for the better securing the rights and liberties of the subject, be king or queen of *Great Britain*, for the time being, and with the word king or queen, and with the word his or her, as the case shall be.

How blanks in the oath are to be filled up.

IV. And be it further enacted by the authority aforesaid, that the said oath, abjuration, and declaration shall and may be taken and subscribed by every person professing the *Roman* catholic religion, within that part of *Great Britain* called *Scotland*, being of the age of fifteen years and upwards, before the sheriff or steward depute or substitute of the shire or stewartry, or before any two or more justices of the peace for the county, shire, or stewartry, where the party so making and subscribing the said oath, abjuration, and declaration shall reside, for the time being; and all such officers are hereby enabled, authorized, and required to administer such oath, abjuration, and declaration to every person or persons who shall be desirous to take and subscribe the same; and the officers hereby enabled, authorized, and required to administer such oath, abjuration, and declaration, are hereby directed and required, within thirty days after the last day of *December*, in the present year of our Lord one thousand seven hundred and ninety-three, and so yearly within thirty days after the last day of *December* in every subsequent year, to deliver into the office of the sheriff clerk of the county or stewartry, in which the party shall have taken the said oath, a true and perfect list of the persons who shall, in the preceding year, have taken the said

Oath may be taken before the sheriff depute, &c. who shall deliver lists annually of the persons who shall have taken it.

Officers to give certificates of persons having taken the oath which shall be evidence.

oath of allegiance, abjuration, and declaration before them, in manner aforesaid; and that in every such list the quality, condition, title, and place of abode of each person who shall have taken and subscribed the said oath of allegiance, abjuration, and declaration, within the preceding year, shall be fully and clearly expressed; and such officers shall respectively give to any person who shall take and subscribe the said oath, abjuration, and declaration, at the time of the taking and subscribing thereof, or at any other time or times, until the list or register shall have been delivered or transmitted to the sheriff clerk's office, a full certificate of his or her having taken the said oath, and of the day on which the same oath shall have been taken, for which certificate there shall be paid no greater fee or reward than one shilling sterling; and every such certificate shall be signed by the officer giving the same, and shall be granted upon the same terms, to any other person or persons who shall demand the same; and every such certificate, being so signed, shall be evidence of the taking such oath, in all courts of justice within that part of *Great Britain* called *Scotland*, to and for all intents and purposes whatsoever.

Sheriff clerks to make entries of lists delivered them, which may be inspected, and copies required.

V. And be it further enacted and declared by the authority aforesaid, that entries shall be regularly and fairly made, by the sheriff clerks, of the lists or registers so to be transmitted or delivered to them by the said officers as aforesaid, in books to be kept for that purpose in their said offices, within their respective counties or stewartries, and that the same shall be kept open for the inspection of all persons, on all days (except *Sundays* and holidays) throughout the year, from the hour of nine of the clock in the forenoon till four of the clock of the same day; and the sheriff clerks for the time being in the said offices are hereby authorized and empowered to demand the sum of one shilling sterling from every person for each book of entries or registers which he or she shall examine, consult, or inspect, and to demand the sum of one shilling sterling for every entry which they shall be required to make an extract or copy of; all which fees or payments shall be paid unto, and appropriated by the said clerks, for their trouble in keeping the said books as aforesaid.

Office copies of such entries to be evidence.

VI. And be it further enacted and declared by the authority aforesaid, that every office copy or extract of the entry of any persons having taken and subscribed the said oath, abjuration, and declaration, certified under the hand writing of any of the said clerks, shall be allowed of, and admitted as evidence that the person so entered had taken and subscribed the said oath, abjuration, and declaration, and is therefore fully entitled to the benefit thereof, in all courts of justice within that part of the kingdom of *Great Britain* called *Scotland*.

Persons having taken the oath, &c. may enjoy real or personal property.

VII. Provided always, and it is hereby enacted by the authority aforesaid, that every person professing the *Roman* catholic religion, within that part of the kingdom of *Great Britain* called *Scotland*, who shall have taken and subscribed the said oath, abjuration, and declaration in manner aforesaid, shall be as fully enabled to take by descent, purchase, or otherwise, and to hold, enjoy, alien, settle, and dispose of any real or personal property whatsoever, within that part of *Great Britain* called *Scotland*, as any other person or persons

whosoever, any thing in the aforesaid act of the eighth and ninth session of the first parliament of *Scotland* of king *William*, or in any other act or acts of the parliament of *Scotland*, contained or implied to the contrary thereof in any manner notwithstanding.

VIII. Provided always, and it is hereby enacted and declared by the authority aforesaid, that nothing in this act contained shall extend, or be construed or deemed to extend, to enable any person professing the *Roman* catholic religion, in that part of the kingdom of *Great Britain* called *Scotland*, to be governor, chaplain, pedagogue, teacher, tutor or curator, chamberlain or factor, to any child or children of protestant parents, or to be otherwise employed in their education, or the trust or management of their affairs, or to be schoolmaster, professor, or public teacher of any science, to any person or persons whomsoever, within that part of the kingdom of *Great Britain* called *Scotland*.

Act not to authorize Roman catholics to be governors to protestant children, &c.

35 GEORGE 3, CAP. 99.—*An act for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.*—Act 3 George 1, cap. 18, recited. Deeds and wills of papists, &c. made since *September* twenty-ninth, one thousand seven hundred and seventeen, to be good in law, if enrolled before *September* first, one thousand seven hundred and ninety-five. This act not to extend to deeds, &c. the validity whereof has been brought in question before *January* first, one thousand seven hundred and ninety-five. Purchases made not to be avoided, on account of the title deeds not having been enrolled, &c. This act not to make good any grant of the right of presentation to any benefice, &c. in trust for any papist.

43 GEORGE 3, CAP. 30.—*An act to entitle Roman catholics taking and subscribing the declaration and oath contained in the act of the thirty-first year of the reign of his present majesty, intituled, an act to relieve, upon conditions and under restrictions, the persons therein described from certain penalties and disabilities to which papists, or persons professing the popish religion, are by law subject, to the benefits given by an act of the eighteenth year of the reign of his present majesty, intituled, an act for relieving his majesty's subjects professing the popish religion, from certain penalties and disabilities imposed on them by an act made in the eleventh and twelfth years of the reign of king William the third, intituled, an act for the further preventing the growth of popery.*—Whereas by an act made in the eleventh and twelfth years of the reign of his majesty king *William* the third, intituled, *an act for further preventing the growth of popery*; persons educated in the popish religion, or professing the same, under the circumstances therein mentioned, were disabled from inheriting or taking by descent, devise, or limitation, in possession, reversion, or remainder, any lands, tenements, or hereditaments, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, and papists or persons professing the popish religion were disabled from purchasing any manors, lands, profits out of lands, tenements, rents, terms, or hereditaments, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*; and all estates, terms, and other interests or profits whatsoever, out of lands to be made, suffered, or done, to or for the

Recital of st. 11 & 12 Gul. 3, c. 4.

18 G. 3, c. 60,
prescribing a
certain oath
to catholics
requiring re-
lief.

31 G. 3, c. 32,
prescribing
another oath
and declara-
tion.

The latter
oath and
declaration
alone, not
at present
sufficient
to relieve
catholics.

The declara-
tion and
oath, con-
tained in the
latter act,
shall give the
benefits and
operate as
the oath un-
der the 18 G.
3, c. 60.

use or behoof of any such person or persons, or upon any trust or confidence mediately or immediately for the relief of any such person or persons, were made void, and other penalties and disabilities were thereby imposed on persons professing the popish religion: and whereas by an act of parliament, made in the eighteenth year of the reign of his present majesty, intituled, *an act for relieving his majesty's subjects professing the popish religion from certain penalties and disabilities imposed on them, by an act made in the eleventh and twelfth years of the reign of king William the third, intituled, an act for the further preventing the growth of popery*; the said recited parts of the said act of the eleventh and twelfth years of the reign of king William the third, were repealed in favour of all persons who should take the oath prescribed by the said act of the eighteenth year of the reign of his present majesty, in manner therein mentioned: and whereas by an act of parliament, made in the thirty-first year of the reign of his present majesty, intituled, *an act to relieve, upon conditions and under restrictions, the persons therein described from certain penalties and disabilities, to which papists or persons professing the popish religion are by law subject*, it was enacted, that it should be lawful for persons professing the *Roman* catholic religion, to take, make, and subscribe the declaration and oath therein expressed and contained at the times, and in the manner therein mentioned, and the persons taking, making, and subscribing the same declaration and oath, were by the said act relieved from several of the penalties and disabilities to which papists or persons professing the popish religion were then subject; but nothing contained in the said act of the thirty-first year of the reign of his present majesty, relieves the persons taking, making, or subscribing the declaration and oath thereby prescribed, from the penalties and disabilities imposed by the said act of the eleventh and twelfth years of the reign of his majesty king William the third, so that to be relieved therefrom, it is still necessary that persons professing the *Roman* catholic religion should take and subscribe the oath expressed and contained in the said act of the eighteenth year of the reign of his present majesty, which some such persons have by mistake neglected to do, and therefore still continue subject to the said penalties and disabilities: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this present act, the declaration and oath expressed and contained in the said act of the thirty-first year of the reign of his present majesty, shall, as to all persons who have made, taken, and subscribed the same, or who at any time or times hereafter shall make, take, or subscribe the same, in the manner therein mentioned, give the same benefits and advantages, and be and operate to and for the same intents and purposes, as in and by the said act, by the eighteenth year of his present majesty, is enacted, expressed, and declared, of and concerning the oath thereby prescribed.

53 GEORGE 3, CAP. 128.—*An act to relieve from the operation of the statute of the twenty-fifth year of the reign of king Charles the second, intituled, an act for preventing dangers which may happen*

from popish recusants; *all such of his majesty's popish or Roman catholic subjects of Ireland, as by virtue of the act of parliament of Ireland of the thirty-third year of his majesty's reign, intituled, an act for the relief of his majesty's popish or Roman catholic subjects of Ireland, hold, exercise or enjoy any civil or military offices, or places of trust or profit, or any other office whatsoever, of which his majesty's said subjects are by the said act of parliament of Ireland rendered capable.*—Whereas by an act of the parliament of *Ireland* of the thirty-third year of the reign of his majesty, intituled *an act for the relief of his majesty's popish or Roman catholic subjects of Ireland*, it is enacted, that it shall and may be lawful for papists, or persons professing the popish or *Roman catholic* religion, to hold, exercise and enjoy all civil and military offices or places of trust or profit under his majesty, his heirs and successors, in the kingdom of *Ireland* (except such offices as are excepted in any proviso contained in the said act of the parliament of *Ireland*), and to hold or take degrees, or any professorship in, or be masters or fellows of any college to be thereafter founded in the said kingdom, provided that such college shall be a member of the university of *Dublin*, and shall not be founded exclusively for the education of papists or persons professing the popish or *Roman catholic* religion, nor consist exclusively of masters, fellows or other persons to be named or elected on the foundation of such college being persons professing the popish or *Roman catholic* religion, or to hold any office or place of trust in, and to be a member of any lay body corporate, except the college of the holy and undivided *Trinity* of queen *Elizabeth*, near *Dublin*, without taking or subscribing the oaths of allegiance, supremacy or abjuration, or making or subscribing the declaration required to be taken, made and subscribed, to enable any person to hold and enjoy any of such places, and without receiving the sacrament of the Lord's supper, according to the rights and ceremonies of the church of *Ireland*; any law, statute or bye law of any corporation to the contrary notwithstanding; provided that every such person shall take and subscribe the oath appointed by an act in the thirteenth and fourteenth years of his majesty's reign, intituled *an act to enable his majesty's subjects of whatever persuasion, to testify their allegiance to him*, and also the oath and declaration mentioned in the said act of the parliament of *Ireland* of the thirty-third year of the reign of his majesty: and whereas doubts have been entertained whether, notwithstanding the said act of the parliament of *Ireland*, persons holding, exercising and enjoying civil or military offices, or places of trust or profit, granted to them in *Ireland*, under and by virtue of the authority of the said act of the parliament of *Ireland*, may not be rendered liable whilst in *England*, *Wales*, or *Berwick-upon-Tweed*, or in his majesty's navy, or in the islands of *Jersey* or *Guernsey*, to the pains, penalties, forfeitures or disabilities, enacted by the act of the twenty-fifth year of the reign of his majesty king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*: may it therefore please your majesty that it may be declared and enacted; and be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

33 G. 3, (1.)
c. 21.

13 & 14 G. 3,
(1.) c. 35.

Roman catholics holding civil or military offices in Ireland granted under 33 G. 3, c. 21, not liable in England, &c. to penalties of 25 Car. 2, c. 2.

assembled, and by the authority of the same, that all such of his majesty's said popish or *Roman* catholic subjects as hold, exercise and enjoy any civil or military office or offices, or place or places of trust or profit, or other office or situation whatsoever, granted to them or any of them in *Ireland*, under and by virtue of the authority of the said act of the parliament of *Ireland* of the thirty-third year of the reign of his majesty, and who shall have duly taken the oaths and declaration required by the said act, shall not, in respect of any such office, place or situation, be liable, in *England*, *Wales*, *Berwick-upon-Tweed*, or in his majesty's navy, or in the islands of *Jersey* or *Guernsey*, to any of the pains, penalties, forfeitures or disabilities enacted by the said act of the twenty-fifth year of the reign of king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, but shall be wholly freed and exempt therefrom; any thing in the said last mentioned act to the contrary notwithstanding; and shall also be wholly freed and exempt from all pains, penalties, forfeitures and disabilities whatsoever in the said several places last mentioned, for not making, taking and subscribing the oaths of allegiance, supremacy or abjuration, or for not making, taking and subscribing the declaration required to be taken to enable any person to hold and enjoy any office or place of trust or profit, or for not receiving the sacrament of the Lord's supper according to the rites and ceremonies of the church of *England*; any thing contained in any act of parliament to the contrary notwithstanding.

Regulation as to taking of commissions in army

II. And be it further enacted by the authority aforesaid, that if any of his said majesty's popish or *Roman* catholic subjects, having duly taken the oaths and declaration required by this act, shall take or have taken in *Ireland* a commission in his majesty's army, and shall afterwards take a higher commission or higher commissions in *Great Britain*, within the intent and meaning of the said act; or if any person having enlisted as a private in any regiment in *Ireland*, or being a non commissioned officer in such regiment, shall afterwards take or have taken a commission in the said or any other regiment in *Great Britain*, and shall have duly taken the oaths and declaration required by the said act, such person shall not, in respect of such commission or commissions, be liable, in *England*, *Wales*, *Berwick-upon-Tweed*, or in his majesty's navy, or in the islands of *Jersey* or *Guernsey*, to any of the pains, penalties, forfeitures or disabilities enacted by the said act of the twenty-fifth year of the reign of king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, but shall be wholly freed and exempt therefrom; any thing in the said last mentioned act to the contrary notwithstanding; and shall also be wholly freed and exempt from all pains, penalties, forfeitures and disabilities whatsoever in the said several places last mentioned, for not making, taking and subscribing the oaths of allegiance, supremacy or abjuration, or for not making, taking and subscribing the declaration required to be taken to enable any person to hold and enjoy any office or place of trust or profit, or for not receiving the sacrament of the Lord's supper according to the rites and ceremonies of the church of *England*; any thing contained in any act of parliament to the contrary notwithstanding.

25 Car. 2, c. 2.

10 GEORGE 4, CAP. 7.—*An act for the relief of his majesty's Roman catholic subjects.*—See Title—"ROMAN CATHOLIC RELIEF."

2 & 3 WILLIAM 4, CAP. 115.—*An act for the better securing the charitable donations and bequests of his majesty's subjects in Great Britain professing the Roman catholic religion.*—See Title—"DONATIONS AND BEQUESTS BY ROMAN CATHOLICS," vol. ii. p. 565.

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

PAPISTS, IRELAND.

1 ANNE, STAT. 1, CAP. 32.—*An act for the relief of the protestant purchasers of the forfeited estates in Ireland.*—Whereas by one act 11 W. 3, c. 2. made in a parliament holden at *Westminster*, in the eleventh year of the reign of our late sovereign lord king *William* the third, intituled *an act for granting unto his majesty an aid by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned*, it is provided, that the sum of one and twenty thousand pounds, therein mentioned, should be paid to and amongst the several persons, who were purchasers of any estate of inheritance, of any of the forfeited lands or estates in *Ireland*, under the grantees thereof, who should prove the actual payment of their purchase money, before the trustees mentioned in the said act for sale of the forfeited estates in *Ireland*, on or before the tenth day of *August* one thousand seven hundred, to be divided amongst such purchasers, in proportion to the sums by them respectively paid for their several purchases : and whereas in pursuance of the said act, several persons did, before the said trustees, prove the actual payment of the sum of fifty-nine thousand five hundred and two pounds, for the purchases of the several estates of inheritances to the several grantees thereof (which said sum of one and twenty thousand pounds, part of the said purchase money, was by the said act charged on the lands so purchased respectively) according to the directions of the said act : and whereas no considerable part, if any, of the said sum of one and twenty thousand pounds, hath been as yet paid to the said purchasers : and whereas it may very much conduce to the strengthening and preservation of the protestant interest in *Ireland*, to continue the said purchasers in the possession of the respective lands by them respectively purchased, and that some further relief may be given the said purchasers ; may it please your majesty (at the most humble suit of the said purchasers) that it may be enacted, &c.

Persons who purchased estates under the grantees, &c., shall enjoy the same, paying thirteen years' purchase for an estate of inheritance, and six years and a half for an estate for life, &c., according to the rents, *anno* one thousand seven hundred and one. Quit rents, &c., deducted. Purchasers of estates of inheritance, to have a discount, &c., on payment of the surplus, &c. In default of paying remainder of purchase money, trustees may sell the lands, &c.

VII. And to the end that none of the said purchased premises may ever descend or come to any papist or papists, or persons professing the popish religion, but that the same shall descend and come, and remain to be held and enjoyed by protestants, for the strengthening and supporting of the *English* interest, and the protestant religion in *Ireland* ; be it enacted by the authority aforesaid, that if any person educated in the popish religion, or professing the same, and being under the age of eighteen years, shall not, within

Person educated in the popish reli-

six months after he or she shall attain the age aforesaid, take the oaths of allegiance and supremacy, and also subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to be by him or her made, repeated, and subscribed in the courts of chancery or king's bench, in *England* or *Ireland*, or quarter sessions in any county in *England* or *Ireland*, where such person shall reside (which said oaths and declaration the said courts and quarter sessions are severally hereby empowered to administer) and continue to be a protestant after the taking the said oaths and declaration aforesaid, every such person shall, in respect of him or herself only, and not to or in respect of his or her heirs or posterity, be disabled, and is hereby made incapable to inherit or take by descent, devise, or limitation, in possession, reversion, or remainder, any of the lands, tenements, hereditaments, or premises aforesaid, or any rent or profit issuing out of the same, or any part thereof; and that during the life of such person, or until he or she shall take the said oaths, and make, repeat, and subscribe the said declaration in manner aforesaid, the next of his or her kindred, who shall be a protestant, shall have and enjoy the said premises, without being accountable for the profits by him or them received, during such enjoyment as aforesaid.

gion, and not taking the oaths, &c.
30 Car. 2, stat. 2,

and continuing protestant afterwards, incapable of inheriting any lands, &c.

but they shall go to the next of kin who is a protestant, &c.

VIII. And it is further enacted, that every such papist, or person making profession of the popish religion, shall be disabled, and is hereby made incapable to purchase, either in his or her own name, or in the name of any other person or persons, to his or her own use, or in trust for him or her, any of the lands, tenements, or hereditaments, or premises aforesaid, or any rents, profits, terms, or interests in or out of the same; and that all and singular estates, terms, and any other interests and profits whatsoever, in or out of the premises, and all conveyances and declarations of trust concerning the same, which shall be made, suffered, or done, to or for the use, benefit, and behoof of any such person, shall be utterly void and of none effect, to all intents, purposes, and constructions whatsoever.

Papist, &c. made incapable to purchase any the lands aforesaid.

IX. And it is hereby further enacted, that all leases for life or lives, or for any term of years, or otherwise, which shall at any time hereafter be made of any the lands, tenements or hereditaments hereby directed to be conveyed by the said trustees as is aforesaid, shall be made to such persons only as are of the protestant religion, and to none other. And if any lease for life or lives, or for years, or otherwise, shall at any time hereafter be made of any the lands, tenements or hereditaments aforesaid, to or in trust for any papist; or if any lease of any such lands, tenements or hereditaments shall be made to a protestant, and the same shall afterwards be assigned to or in trust for any papist; every such lease so made to or in trust for any papist, and likewise every such assignment, shall be void, and the same is and are hereby adjudged and declared to be *ipso facto* null and void to all intents and purposes whatsoever: and in such case, as well the person making any such lease or assignment, as the person to whom, or for whose use or benefit the same shall

Leases, &c. to be made only to protestants, &c.

Penalty on person accepting lease in trust for papist, &c.

be made (in case such person shall accept such lease or assignment) or shall occupy any the lands or tenements therein contained, shall forfeit treble the full yearly value of all the lands so let, assigned, or occupied; one moiety thereof to her majesty, her heirs and successors, and the other moiety to such person (being a protestant) who shall sue for the same in any of her majesty's courts of record at *Dublin*, by any bill, plaint or information, wherein no essoin, protection, wager of law, or imparlance shall be allowed.

Act not to
make void
any cottage
lease, &c.

X. Provided always, that nothing in this act contained shall extend to make void any lease, that is or shall be made of any cottage or cabin, under the yearly value of thirty shillings *per annum*, to any day labourer whatsoever.

not to extend
to rectories
impropriate,
&c.

XI. Provided also, that nothing in this act contained shall be construed to extend to any rectories impropriate, or vicarages, tithes, oblations, obventions, glebes, or other things, to the same rectories or vicarages severally and respectively belonging or appertaining, which were by a clause in the aforesaid act, vested in the trustees in the said act named, to the uses, intents and purposes therein mentioned; but that all such rectories and vicarages, tithes, oblations, obventions, glebes, and other things thereunto belonging, with their appurtenances, shall still continue to be vested in the said trustees, to such uses as are in and by the said act directed and appointed; any thing in this act to the contrary in anywise notwithstanding. But in such case, the said trustees are to make a deduction and allowance, after the rate of thirteen years' purchase, out of the purchase money to be paid unto them for such rectories or vicarages, or other matters aforesaid, to all and every person or persons who had purchased the same, their heirs or assigns.

Trustees to
deduct for
such recto-
ries, &c.

and be dis-
charged from
rents, receiv-
ed, &c. before
payment of
the remain-
der of the
thirteen
years' pur-
chase, &c.

XII. Provided also, and be it further enacted, that the trustees in the said act named for sale of the forfeited estates in *Ireland*, shall be and are hereby acquitted and discharged of and from all rents or profits, or other sums of money, by them, or any for or under them, received or to be received, for or out of any the lands, tenements and premises aforesaid, at any time before the payment of the remainder of the said thirteen years' purchase, by the said purchasers respectively, and of and from all actions, suits and demands for or in respect thereof.

Saving to the
queen all
rents, &c.

XIII. Saving nevertheless to her majesty, her heirs and successors, all rents issuing and payable out of or for the said premises, and also saving to all bodies politic and corporate, their heirs and successors, and to all and every other person and persons, their heirs, executors and administrators (other than the said trustees in the said act named) all such estate, right, title, interest, claim and demand whatsoever, of, into, and out of the said premises, as they or any of them might have had in case this act had not been made; any thing herein contained to the contrary thereof in anywise notwithstanding.

XIV. And for the better preservation and encouragement of the protestant interest in the said kingdom of *Ireland*, and to the end that none of the honors, manors, baronies, castles, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, privileges or appurtenances thereunto

belonging, or in anywise appertaining, rights of entry, rights of action, titles, conditions, uses, trusts, powers or authorities, leases, for life, lives, or years, pensions, annuities, rent charges, or hereditaments, whether freehold, copyhold, or of what nature or kind soever they be, within the said realm of *Ireland*, nor any of the estates or interests whatsoever in the said kingdom of *Ireland*, which by an act made in the eleventh year of the reign of his late majesty king 11 W. 3, c. 21.

William the third, intituled, *an act for granting an aid to his majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned*, were vested and settled in the persons in that act named (trustees nominated and appointed for putting in execution the powers and authorities in the said act enacted, relating to the said fortified and other estates and interests in *Ireland*) and their heirs, executors, administrators and assigns respectively, or which by the said act, or by any subsequent act or acts, are ordered or directed to be disposed of or sold by them, or any of them, for the purposes in the said act or acts mentioned, may ever hereafter descend or come by limitation, purchase, or otherwise, to any papist or papists, or person or persons professing the popish religion; but that the same forthwith, from and after the disposition and sale thereof, may be possessed and enjoyed, and from thenceforth for ever hereafter descend, come and remain, to be held and enjoyed by protestants, for the strengthening and supporting of the *English* interest, and the protestant religion in *Ireland*; be it enacted by the authority aforesaid, that all dispositions and sales of all and every the said estates and interests, which shall be made by the said trustees, or any of them, shall be made unto protestants only; and that every person being a papist, or professing the popish religion, shall be disabled, and is hereby made incapable to purchase, either in his or her own name, or in the name of any other person or persons, to his or her use, or in trust for him or her, any of the honors, manors, lands, tenements, royalties, franchises, and other hereditaments, of what nature or kind soever, vested in the said trustees, in order to the selling the same, or any rents, profits, terms for years, or other interest whatsoever, in or out of the same; and that all and singular estates, terms for years, interests, or profits whatsoever, in or out of the said premises, and all conveyances and declarations of trust concerning the same, which shall be made, suffered, or done to or for the use, benefit or behoof of any papist, or person making profession of the popish religion, shall be utterly void and of no effect, to all intents, purposes and constructions whatsoever.

All sales of estates, &c. made by trustees shall be to protestants only. Papists, made incapable to purchase, &c.

XV. And for preventing the said premises, and every part thereof, at all times hereafter, from coming into the hands of papists, or persons professing the popish religion; be it enacted by the authority aforesaid, that no papist or person professing the popish religion, during the time of his continuing a papist, or professing the popish religion, shall be a person capable to inherit, take, or make title unto, by descent, purchase, limitation, devise, or other conveyance whatsoever, in possession, reversion or remainder, or to have, hold or enjoy any of the said honors, manors, hereditaments and premises, or any trust or interest therein, or any rent or profit issuing out of

No papist capable to inherit or make title by descent, to any the said manors, lands, &c.

Papist not
taking the
oaths, &c.

30 Car. 2,
stat. 2.

disabled from
inheriting;

and the next
of kin, being
a protestant
shall inherit,
&c.

Leases, &c.
to be made
only to pro-
testants.

Such lease
made to pa-
pists, or in
trust for
them, void.

Penalty.

the same, or out of any part thereof; and that if any person professing the popish religion, or educated in the same, and not having solemnly and publicly renounced it, being of full age, shall not, within the space of six months after the accruing of his or her title, or being under the age of eighteen years, shall not, within six months after he or she shall attain the age aforesaid, take the oaths of allegiance and supremacy, and also subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles* the second, intituled, *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to be by him or her made, repeated, and subscribed in the courts of chancery or king's bench in *England* or *Ireland*, or quarter sessions in any county of *England* or *Ireland*, where such person shall reside (which said oath and declaration the said courts and quarter sessions are hereby severally empowered to administer) and continue to be a protestant after the taking the said oath and declaration aforesaid, every such person shall, in respect of him or herself only, and not to or in respect of his or her heirs or posterity, be disabled, and is hereby made incapable to inherit or take by descent, devise or limitation, or purchase, in possession, reversion or remainder, any of the said honors, manors, lands, tenements, hereditaments or premises aforementioned, or any trust or interest in rent or profit issuing out of the same, or out of any part thereof; and that during the life of such person, or until he or she shall take the said oaths, and make, repeat and subscribe the said declaration in manner aforesaid, the next of his or her kindred, who shall be a protestant, shall have and enjoy the said premises, without being accountable for the profits by him or her received during such enjoyment as aforesaid.

XVI. And it is hereby further enacted, that all leases for life or lives, or for any term of years or otherwise, which shall at any time hereafter be made of any the honors, manors, lands, tenements, hereditaments, and premises above mentioned, shall be made to such persons only as are of the protestant religion, and to none other; and if any lease for life or lives, or for years, or otherwise, shall at any time after such sale be made of any the honors, manors, lands, tenements, hereditaments, or premises aforesaid, unto or in trust for any papist, or person professing the popish religion; or if any lease of any such honors, manors, lands, tenements, hereditaments or premises, shall be made to a protestant, and the same shall afterwards be assigned unto, or in trust for any papist, or person professing the popish religion; every such lease so made unto, or in trust for any such papist or person, and likewise every such assignment shall be void, and the same is and are hereby adjudged and declared to be *ipso facto* null and void, to all intents and purposes whatsoever; and in such case, as well the person making any such lease or assignment, as the person to whom or for whose use or benefit the same shall be made (in case such person shall accept such lease or assignment, or shall occupy any the lands or tenements therein contained) shall forfeit treble the full yearly value of all the lands so let assigned or occupied, one moiety thereof to her majesty, her heirs and successors, and the other moiety to such person (being

a protestant) who shall sue for the same in any of her majesty's courts of record at *Dublin*, by any bill, plaint, or information, wherein no essoin, protection, wager of law, or imparlance shall be allowed.

XVII. Provided always, that nothing in the last foregoing clause contained shall extend to make void any lease, that is or shall be made, of any cottage or cabin under the yearly value of thirty shillings *per annum*, to any day labourer whatsoever.

Act not to
void cottage
lease, &c.

XVIII. Provided, that nothing herein contained shall extend, or be construed to extend, to make void, impeach or prejudice any lease of any of the said forfeited estates, or other interests, made or to be made by the said trustees, for any term not exceeding one year.

nor trustees'
lease for one
year.

XIX. And whereas his said late majesty king *William*, in consideration of a fine of six hundred and eighty-five pounds sixteen shillings and four-pence, stated by the commissioners of accounts in *Ireland*, to be due from his said majesty to major *Walter Delamar* for arrears of pay for his services in the kingdom of *Ireland*, did in the month of *October* one thousand six hundred ninety-six, make a lease to the said major *Walter Delamar*, of some forfeited estates in the said kingdom, for the term of twenty-one years, the said estates being subject to great incumbrances, and a jointure for the life of

Plunkett, the relict of *Ignatius Plunkett*: and whereas *William Palmer* esquire did purchase from the said major *Delamar* part of the said estates called *Dirpatrick*, in the barony of *Deece*, and county of *Meath*, for the sum of five hundred pounds, the said sum being by him paid to the said *Walter Delamar*, for the remainder of the said term of twenty-one years, subject to the said jointure, and hath since also laid out six hundred pounds, and upwards, in buying in the said jointure estate in the said lands, in draining a bog, and building and planting upon the said estate, to the great improvement thereof: and whereas notwithstanding there are but about fourteen years to come in the said lease, the same is made void by the late act of parliament for re-assuming the forfeitures in that kingdom, and the said *William Palmer* hath (unless relieved by parliament) lost the money so paid and laid out by him, and of which the public hath had and will have the benefit; be it therefore enacted by the authority aforesaid, that the said trustees shall, within twelve months, pay to the said *William Palmer*, his executors, administrators and assigns, the sum of one thousand one hundred pounds; and in default of such payment as aforesaid, it shall and may be lawful to and for the said *William Palmer*, his executors, administrators and assigns, to have, hold and enjoy the said premises called *Dirpatrick* aforesaid, with the appurtenances, for and during the residue of the said term of twenty-one years, according to the said lease and assignment thereof to him made; and in case of such default, the said lease (as to the premises called *Dirpatrick*) and the said assignment thereof, shall be and is hereby confirmed and made effectual; the said act, or any thing therein contained to the contrary in anywise notwithstanding; subject nevertheless to all and every the clauses, matters, and things in this act contained, directed to be done and performed by the said other protestant purchasers.

Trustees to
pay William
Palmer
£1,100, and
in default,
&c. he to hold
Dirpatrick,
&c.

Persons enjoined to take the oath of supremacy &c.

Penalties.

Not above two acres of land to be let with any cottage to a day labourer, &c.

Penalty.

Public act.

PR.
11 W. 3, c. 2.
1 Annæ, st. 1, c. 32.
1 Annæ, st. 1, c. 41, a private act.

XX. And be it further enacted by the authority aforesaid, that in all acts which have passed this session of parliament, relating to the forfeited estates or interests in *Ireland*, which do enjoin the taking the oath or oaths of allegiance by any person or persons whatsoever, and wherein the obliging the taking the oath of supremacy is omitted; all and every the person and persons, who are thereby enjoined to take the oath of allegiance, shall be and are hereby obliged and enjoined at the same time, to take the oath of supremacy also, under the like penalties, forfeitures and disabilities, as are in the said respective acts mentioned and contained, for and in default of taking the oath or oaths of allegiance, and subscribing the declaration therein mentioned.

XXI. And it is hereby further enacted and declared, that there shall not be let with any cabin or cottage to any day labourer (as by any acts of this session of parliament relating to the forfeited estates in *Ireland* is permitted) above the quantity of two acres of land, and not above one cottage or cabin with such land to any one day labourer; and that in case any other lease or leases shall be so made, or more land be let than as aforesaid, the lease of such cottage or cabin, as well as of the said land, shall be and is hereby declared to be *ipso facto* null and void, to all intents and purposes whatsoever; and as well the person making, as the person taking such lease, or occupying such cottage or cabin, or lands, shall forfeit treble the full yearly value of the said cottage, cabin or land, to be sued for, recovered and distributed, as any other penalties by the said acts are to be recovered and distributed.

XXII. And be it further enacted, that this act shall be taken and allowed in all courts as a public act, and all judges and justices are hereby required to take notice thereof, without special pleading the same.

1 ANNE, STAT. 2, CAP. 21—An act for advancing the sale of the forfeited estates in *Ireland*, and for vesting such as remain unsold by the present trustees, in her majesty, her heirs and successors, for such uses, as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relating to the lord *Bophin*, and sir *Redmond Everard*. Trustees to apportion quit rents, &c. Apportionments to be enrolled in the exchequer in *Ireland*, &c. Manors, lands, &c., vested in the trustees, and not sold by twenty-fourth *June* one thousand seven hundred and three, and all judgments, statutes, &c., shall be vested in the queen, &c. After twenty-fourth *June* one thousand seven hundred and three, all powers, &c. given to the trustees to cease, and all deeds, writings, &c. concerning the forfeited estates, to be delivered up. After twenty-fourth *June*, rents of the forfeited estates to be levied in the queen's name, &c., and paid into the exchequer in *Ireland*, &c. All sales, mortgages, &c. of estates forfeited or restored, to be only to protestants. The persons disabled by 1 *Anne*, stat. 1, c. 32. incapable of holding the said lands, &c. Purchase money shall be paid into the exchequer in *Ireland*. Time allowed trustees for conveying estates sold, &c. Leases, releases of such lands, &c. made in trust for any papist, &c. void. Person claiming benefit of such bargain,

&c. subject to penalties, &c. and money given in consideration thereof recoverable. On payment of two thousand pounds to the trustees, &c. all the manors, castles, lands, &c. of sir *John Everard*, deceased, shall be vested in the duchess of *Devonshire*, &c. Subject to the trusts, &c. in the act. Trustees to raise twenty-five thousand pounds by sale of the lord *Bophin's* estate, and pay the same into the exchequer in *Ireland*.

2 & 3 ANNE, CAP. 10.—An act to enlarge the time for the purchase of the forfeited estates in *Ireland*, to make the payments of their purchase money. Times allowed to the purchasers of the forfeited estates in *Ireland*, who have paid one-third part of their purchase money, for payment of the residue. On non payment at those times, conveyance to be void. All unsatisfied debentures to be registered. EXP. ^{1 Anne, stat. 2, c. 21.} ^{11 W. 3, c. 2.}

53 GEORGE 3, CAP. 128.—*An act to relieve from the operation of the statute of the twenty-fifth year of the reign of king Charles the second, intituled an act for preventing dangers which may happen from popish recusants, all such of his majesty's popish or Roman catholic subjects of Ireland, as by virtue of the act of parliament of Ireland of the thirty-third year of his majesty's reign, intituled an act for the relief of his majesty's popish or Roman catholic subjects of Ireland, hold, exercise or enjoy any civil or military offices, or places of trust or profit, or any other office whatsoever, of which his majesty's said subjects are by the said act of parliament of Ireland rendered capable.*—See Title—"PAPISTS," vol. iii. p. 566.

10 GEORGE 4, CAP. 7.—*An act for the relief of his majesty's Roman catholic subjects.*—See Title—"ROMAN CATHOLIC RELIEF."

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1841.

PAPISTS IN THE COLONIES.

14 GEORGE 3, CAP. 83, SECS. 4—7.—*An act for making more effectual provision for the government of the province of Quebec in North America.*

Former provisions made for the province to be null and void after May 1, 1775.

IV. Whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of *Quebec*, and the powers and authorities given to the governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the church of *Rome*, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of *Canada*; be it therefore further enacted by the authority aforesaid, that the said proclamation, so far as the same relates to the said province of *Quebec*, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governor and council of *Quebec* for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of *May*, one thousand seven hundred and seventy-five.

Inhabitants of *Quebec* may profess the Romish religion, subject to the king's supremacy, as by act 1 *Eliz.*; and the clergy enjoy their accustomed dues.

V. And for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, that his majesty's subjects, professing the religion of the church of *Rome* of and in the said province of *Quebec*, may have, hold, and enjoy, the free exercise of the religion of the church of *Rome*, subject to the king's supremacy, declared and established by an act, made in the first year of the reign of queen *Elizabeth*, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

Provision may be made by his majesty for the support of the protestant clergy.

VI. Provided nevertheless, that it shall be lawful for his majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.

No person professing the Romish religion, obliged to take the oath

VII. Provided always, and be it enacted, that no person, professing the religion of the church of *Rome*, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of queen *Elizabeth*, or

any other oaths substituted by any other act in the place thereof; but that every such person who, by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the governor, or such other person in such court of record as his majesty shall appoint, who are hereby authorised to administer the same; *videlicet*,

of 1 Eliz.;
but to take,
before the
governor, &c.
the following
oath.

I *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king *George*, and him will defend to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons, and traitorous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary.

The oath.

So help me God.

And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of queen *Elizabeth*.

Persons refusing the
oath to be
subject to
the penalties
by act 1 Eliz.

31 GEORGE 3, CAP. 31, SEC. 35.—*An act to repeal certain parts of an act, passed in the fourteenth year of his majesty's reign, intituled, an act for making more effectual provision for the government of the province of Quebec, in North America; and to make further provision for the government of the said province.*

XXXV. Whereas, by the above mentioned act, passed in the fourteenth year of the reign of his present majesty, it was declared, that the clergy of the church of *Rome*, in the province of *Quebec*, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for his majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they should from time to time think necessary and expedient: and whereas by his majesty's royal instructions, given under his majesty's royal sign manual on the third day of *January*, in the year of our Lord one thousand seven hundred and seventy-five, to *Guy Carleton*, esquire, now lord *Dorchester*, at that time his majesty's captain general and governor in chief in and over his majesty's province of *Quebec*, his majesty was pleased, amongst other things, to direct, that no incumbent professing the religion of the church of *Rome*, appointed to any parish in the said province, should be entitled to receive any tithes for lands or possessions occupied by a protestant, but that such tithes should be received by such persons as the said *Guy Carleton*, esquire, his majesty's captain general and governor in chief in and over his majesty's said province of *Quebec*, should appoint, and should be reserved in the hands of his majesty's receiver general of

14 G. 3, c. 83,
and

Instructions
of Jan. 3,
1775, to Sir
Guy Carle-
ton, &c. and

Instructions
to sir Fred-
erick Haldi-
mand, and
to lord Dor-
chester, re-
cited;

and the de-
claration and
provisions
therein re-
specting the
clergy of
the church
of Rome to
continue in
force.

the said province, for the support of a protestant clergy in his majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said *Guy Carleton*, esquire, his majesty's captain general and governor in chief in and over his majesty's said province, should receive from his majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses: and whereas his majesty's pleasure has likewise been signified to the same effect in his majesty's royal instructions, given in like manner to sir *Frederick Haldimand*, knight of the most honorable order of the Bath, late his majesty's captain general and governor in chief in and over his majesty's said province of *Quebec*; and also in his majesty's royal instructions, given in like manner to the said right honorable *Guy* lord *Dorchester*, now his majesty's captain general and governor in chief in and over his majesty's said province of *Quebec*; be it enacted by the authority aforesaid, that the said declaration and provision contained in the said above mentioned act, and also the said provision so made by his majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of *Upper Canada* and *Lower Canada* respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his majesty, his heirs or successors, under the restriction hereinafter provided.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PARISH CLERKS AND LECTURERS.

7 & 8 VICTORIA, CAP. 59.—*An act for better regulating the offices of lecturers and parish clerks.*—Whereas in divers districts, parishes, and places there now are or hereafter may be certain lecturers or preachers in the holy orders of deacon or priest of the united church of *England* and *Ireland* elected or otherwise appointed to deliver or preach lectures or sermons only, without the obligation of performing other clerical or ministerial duties: and whereas it is expedient in many cases that such lecturers or preachers should be authorized and required to perform other clerical and ministerial duties, and to act, if necessary, as assistant curates in such districts, parishes, or places: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for the bishop of the diocese wherein any such lecturers or preachers shall be so elected or appointed as aforesaid, if he shall think fit, with the assent of the incumbent of every such district, parish, or place, to require, by writing under his hand and seal, any such lecturer or preacher to undertake and perform such other clerical or ministerial duties, as assistant curate or otherwise, within such district, parish, or place, as the said bishop, with the assent of such incumbent as aforesaid, shall think proper, and also to vary from time to time, if necessary, and with the like assent, the particular duties so required to be performed as aforesaid; and in case such lecturer or preacher shall at any time refuse or neglect duly and faithfully to perform such additional duties, and to act in the manner required by the said bishop as aforesaid, it shall be lawful for the said bishop to summon the said lecturer or preacher to appear before him, and thereupon the said bishop, with the assistance of one at least of the archdeacons and also of the chancellor of such diocese, shall proceed summarily to inquire into the facts of the case, and to adjudicate thereon, and, if necessary, to suspend or remove the said lecturer or preacher from his said office, and to declare the same vacant; but nevertheless such lecturer or preacher may, within fourteen days next after the passing or making of any such sentence or declaration, appeal therefrom to the archbishop of the province, who shall thereupon forthwith summarily hear and determine the same; and if no such appeal be made within the time aforesaid, or if the said sentence or declaration shall upon such appeal be affirmed by the said archbishop, the said bishop shall then cause the same to be forthwith duly published in the church or chapel wherein the said lecturer or preacher hath been used to deliver or preach his said lectures or sermons by virtue of his said office, and thereupon the said office shall be and be deemed to be vacant, and the parties entitled to elect or appoint a person to the same shall be entitled and required to elect or appoint a successor

Lecturers or preachers may be required to perform other clerical duties in certain cases

Saving the
rights of pre-
sent holders.

thereto, in the same manner as if the said lecturer or preacher were dead, and the right and interest of such lecturer or preacher to and in the said office, and to and in all the emoluments and advantages thereof, shall wholly cease and determine; provided that nothing herein contained shall affect or be deemed applicable to any lecturer or preacher who shall have been elected or appointed to his said office before the passing of this act, unless such lecturer or preacher shall consent to be bound thereby.

Power to ap-
point per-
sons in holy
orders to the
office of
church clerk,
and to re-
quire such
persons to
act as assis-
tant curates,
if necessary.

II. And be it enacted, that when and so often after the passing of this act as any vacancy shall occur in the office of church clerk, chapel clerk, or parish clerk, in any district, parish, or place, it shall be lawful for the rector or other incumbent or other the person or persons entitled for the time being to appoint or elect such church clerk, chapel clerk, or parish clerk as aforesaid, if he shall think fit, to appoint or elect a person in the holy orders of deacon or priest of the united church of *England* and *Ireland* to fill the said office of church clerk, chapel clerk, or parish clerk; and such person so appointed or elected as aforesaid shall, when duly licensed as hereinafter provided, be entitled to have and receive all the profits and emoluments of and belonging to the said office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical duties within such district, parish, or place as the said rector or other incumbent, with the sanction of the bishop of the diocese, may from time to time require; but such person in holy orders so appointed or elected as aforesaid shall not by reason of such appointment or election have or acquire any freehold or absolute right to or interest in the said office of church clerk, chapel clerk, or parish clerk, or to or in any of the profits or emoluments thereof, but every such person in holy orders so appointed or elected as aforesaid shall at all times be liable to be suspended or removed from the said office, in the same manner and by the same authority, and for such or the like causes, as those whereby any stipendiary curate may be lawfully suspended or removed; such suspension or removal nevertheless being subject to the same power of appeal to the archbishop of the province to which any stipendiary curate is or may be entitled.

Such person
to be licensed
by the bishop
and when
appointed
otherwise
than by the
bishop to be
subject to
the approval
of the incum-
bent.

III. Provided always, and be it enacted, that every such appointment or election as last aforesaid, if made by any other person or persons than the rector or other incumbent of such district, parish, or place, shall be subject to the consent and approval of such rector or other incumbent of such district, parish, or place; and that no person in holy orders so appointed or elected as aforesaid shall be competent to perform any of the duties of his said office, or any other spiritual or ecclesiastical duties, within such district, parish, or place, or to receive or take any of the profits or emoluments of his said office, unless and until he shall have duly obtained from the bishop of the diocese within which such district, parish, or place is situate such license and authority in that behalf as are required and usual in respect of stipendiary curates; but nevertheless such license and authority, when so obtained as aforesaid, shall entitle the person so obtaining it to hold the said office, and to receive and take the profits and emoluments thereof as aforesaid,

until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other re-appointment or re-election thereto.

IV. Provided also, and be it enacted, that no rector or other incumbent of any district, parish, or place wherein any such person or persons shall be so employed as aforesaid, or wherein any lecturer or preacher shall have been required to undertake and perform other clerical and ministerial duties, in the manner hereinbefore provided, or wherein any person in holy orders shall have been appointed or elected to fill the office of church clerk, chapel clerk, or parish clerk, as aforesaid, shall, by reason of any such provisions be exempt from any duty or obligation of employing within the same district, parish, or place any curate or other assistant to which by any law, statute, canon, or usage he is or may be already liable; but it shall be lawful for the bishop of the diocese from time to time to require every such rector or other incumbent to provide, or for the said bishop to nominate and license, such other curates and assistants to officiate within every such district, parish, or place, in addition, either to the person or persons so intended to be employed as aforesaid, or to such lecturer or preacher, or to such church clerk, chapel clerk, or parish clerk, and to make regulations for the payment of the stipends of such other curates and assistants, as fully and in the same manner and subject to the same restrictions as he might have done by law if this act had not been passed.

Appoint-
ments of
assistant
clergy under
this act not
to exempt
incumbents
from the
duty of
providing
curates in
cases where
they are now
liable.

V. And be it enacted, that if at any time it shall appear, upon complaint or otherwise, to any archdeacon or other ordinary, that any person not in holy orders, holding or exercising the office of church clerk, chapel clerk, or parish clerk in any district, parish, or place within and subject to his jurisdiction, has been guilty of any wilful neglect of or misbehaviour in his said office, or that by reason of any misconduct he is an unfit and improper person to hold or exercise the same, it shall be lawful for such archdeacon or other ordinary forthwith to summon such church clerk, chapel clerk, or parish clerk to appear before him, and also by writing under his hand, or by such process as is commonly used in any of the courts ecclesiastical for procuring the attendance of witnesses, to call before him all such persons as may be competent to give evidence or information respecting any of the matters imputed to or charged against such church clerk, chapel clerk, or parish clerk as aforesaid; and such archdeacon or other ordinary shall and may, if he see fit, examine upon oath, to be by him administered in that behalf, any of the persons so appearing or attending before him respecting any of the matters aforesaid, and shall and may thereupon summarily hear and determine the truth of the matters so imputed to or charged against such church clerk, chapel clerk, or parish clerk as aforesaid; and if upon such investigation it shall appear to the satisfaction of such archdeacon or other ordinary that the matters so imputed to or charged against such church clerk, chapel clerk, or parish clerk are true, it shall be lawful for the said archdeacon or other ordinary forthwith to suspend or remove such church clerk, chapel clerk, or parish clerk from his said office, and by certificate under his hand and seal directed to the rector or other officiating minister of the

Power to sus-
pend or re-
move church
clerks not in
holy orders
who may be
guilty of neg-
lect or misbe-
haviour.

parish, district, or place wherein such church clerk, chapel clerk, or parish clerk held or exercised his said office, to declare the said office vacant, and a copy of such certificate shall thereupon, by such rector or other officiating minister, be affixed to the principal door of the church or chapel in which the said church clerk, chapel clerk, or parish clerk usually exercised his said office; and the person or persons who upon the vacancy of such office are entitled to elect or appoint a person to fill the same shall and may forthwith proceed to elect or appoint some other person to fill the same in the place of the said church clerk, chapel clerk, or parish clerk so removed as aforesaid: provided always, that the exercise of such office by a sufficient deputy who shall duly and faithfully perform the duties thereof, and in all respects well and properly demean himself, shall not be deemed a wilful neglect of his office on the part of such church clerk, chapel clerk, or parish clerk, so as to render him liable, for such cause alone, to be suspended or removed therefrom.

Power to remove person ceasing to be employed as mentioned in this act from premises held by him in right of his employment.

VI. And be it enacted, that in case any person, having ceased to be employed in any of the offices or duties in this act mentioned or referred to, or having been duly suspended or removed from any such office or employment as aforesaid, shall at any time refuse or neglect to give up the possession of any house, building, land, or premises, or any part or parcel thereof, by him held or occupied by virtue or in respect of any such office or employment as aforesaid, it shall be lawful for the bishop of the diocese, upon complaint thereof to him made, to summon such person forthwith personally to appear before him, and to show cause for such refusal or neglect; and upon the failure of the person so summoned as aforesaid to obey such summons, or, upon his appearance, to show to the said bishop such cause as may be deemed by the said bishop sufficient for such refusal or neglect, the said bishop shall thereupon grant a certificate of the facts aforesaid, under his hand and seal, to the person or persons entitled to the possession of such house, building, land, or premises as aforesaid, who may thereupon go before any neighbouring justice of the peace; and such justice, upon production of such certificate, and proof of such wrongful retention of possession as aforesaid, shall and he is hereby required to issue his warrant under his hand and seal, directed to the constables or other peace officers of the district, parish, or place within which such house, building, land, or premises is or are situate, or to the constables or other peace officers of any neighbouring district, parish, or place, requiring them forthwith to expel and remove from the said house, building, land, or premises, and from every part and parcel thereof, the person so wrongfully retaining possession thereof, and to deliver the peaceable possession thereof to the person or persons so entitled to the same as aforesaid; and such constables or other peace officers shall and they are hereby required promptly and effectually to obey and execute such warrant, according to the exigency thereof, and thereupon it shall be lawful for them also to levy, upon the goods and chattels of the person so by them expelled and removed as aforesaid, the necessary costs and expenses of executing such warrant, the amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said justice of the peace by whom the said

warrant was so issued as aforesaid, or by any other justice of the peace residing in or near to the said district, parish, or place, whose decision thereupon shall be final, and who is hereby authorized to make such order in that behalf as to him shall seem reasonable.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PARISH SCHOOLS, SCOTLAND.

19 GEORGE 2, CAP. 39, SEC. 21.—*An act for the more effectual disarming the highlands in Scotland; and for the more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his majesty's person and government, during the unnatural rebellion; and for indemnifying the judges and other officers of the court of justiciary in Scotland, for not performing the northern circuit in May one thousand seven hundred and forty-six; and for obliging the masters and teachers of private schools in Scotland, and chaplains, tutors and governors of children or youth, to take the oaths to his majesty, his heirs and successors, and to register the same.*

XXI. Whereas it is of great importance to prevent the rising generation being educated in disaffected or rebellious principles, and although sufficient provision is already made by law for the due regulation of the teachers in the four universities, and in the public schools authorized by law in the royal burghs and country parishes in *Scotland*, it is further necessary, that all persons who take upon them to officiate as masters or teachers in private schools, in that part of *Great Britain* called *Scotland*, should give evidence of their good affection to his majesty's person and government; be it therefore enacted by the authority aforesaid, that from and after the first day of *November* in the year of our Lord one thousand seven hundred and forty-six, it shall not be lawful for any person in *Scotland* to keep a private school for teaching *English, Latin, Greek* or any part of literature, or to officiate as a master or teacher in such school, or any school for literature, other than those in the universities, or established in the respective royal burghs by public authority, or the parochial schools settled according to law, or the schools maintained by the society in *Scotland* for propagating christian knowledge, or by the general assemblies of the church of *Scotland*, or committees thereof, upon the bounty granted by his majesty, until the situation and description of such private school be first entered and registered in a book, which shall be provided and kept for that purpose by the clerks of the several shires, stewartries and burghs in *Scotland*, together with a certificate from the proper officer, of every such master and teacher having qualified himself, by taking the oaths appointed by law to be taken by persons in offices of public trust in *Scotland*; and every such master and teacher of a private school shall be obliged, and is hereby required, as often as prayers shall be said in such school, to pray, or cause to be prayed for, in express words, his majesty, his heirs and successors, by name, and for all the royal family; and if any person shall, from and after the said first day of *November*, presume to enter upon, or exercise the function or office of a master or teacher of any such private school as shall not have been registered in manner herein directed, or without having first qualified

Situation,
&c. of private
schools to be
registered;
with a certi-
ficate of the
master hav-
ing qualified

His majesty,
&c. to be
prayed for
by name.

himself, and caused the certificate to be registered as above mentioned; or in case he shall neglect to pray for his majesty by name, and all the royal family, or to cause them to be prayed for as herein directed; or in case he shall resort to, or attend divine worship in any episcopal meeting house not allowed by the law; every person so offending in any of the premises, being thereof lawfully convicted before any two or more of the justices of peace, or before any other judge competent of the place summarily, shall, for the first offence, suffer imprisonment for the space of six months; and for the second, or any subsequent offence, being thereof lawfully convicted before the court of justiciary, or in any of the circuit courts, shall be adjudged to be transported, and accordingly shall be transported to some of his majesty's plantations in *America* for life; and in case any person adjudged to be so transported shall return into, or be found in *Great Britain*, then every such person shall suffer imprisonment for life.

Masters not to resort to unlicensed meeting houses.

Penalty.

21 GEORGE 2, CAP. 34, SEC. 12.—*An act to amend and enforce so much of an act made in the nineteenth year of his majesty's reign, as relates to the more effectual disarming the highlands in Scotland, and restraining the use of the highland dress, and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in Scotland; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practising in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty king George the first, whereby certain encouragements are given to landlords and tenants in Scotland, who should continue in their duty and loyalty to his said late majesty; and for other purposes therein mentioned.*

XII. Whereas, to evade the execution of the said act, relating to persons keeping or being master or teacher in such private schools, divers persons have kept such schools in the names of others, and had or enjoyed the profits thereof to themselves, and have thereby avoided complying with the qualifications required by the said act: for remedy thereof, be it enacted by the authority aforesaid, that from and after the said twenty-ninth day of *September* one thousand seven hundred and forty-eight, every person who shall keep in his own name, or in the name or names of any other person, any private school for teaching *English, Latin, Greek*, or any part of literature, or any school for literature, other than as in the said act is excepted, or who shall have, receive or be interested in the profits, or any share of the profits of such school, shall be obliged to take the oaths appointed by law to be taken by persons in offices of public trust in *Scotland*; and to pray, or cause to be prayed for, in express words, his majesty, his heirs and successors by name, and for all the royal family, as often as there shall be prayers in such school, or before or in the hearing of any of the scholars belonging to such school; and if any person shall, from and after the said twenty-ninth day of *September*, keep any such school in his own name, or in the names of any other person or persons, or have, receive or be interested in the profits, or any share of the profits of such private school, as shall

School-masters to take the oaths, &c.

Penalty of not complying with the recited act.

not have been registered in manner directed by the said act, or without having qualified himself, and caused the certificate thereof to be registered in manner directed by the said act; or in case he shall neglect to pray for his majesty, his heirs and successors, by name, and all the royal family, or cause them to be prayed for as aforesaid; or in case he shall resort to, or attend divine worship in any episcopal meeting house not allowed by law; every person so offending, being thereof lawfully convicted before two or more justices of the peace, or before any other judge competent summarily, shall, for the first offence, suffer imprisonment for the space of six months; and for the second or any subsequent offence, being thereof lawfully convicted before the court of justiciary, or in any of the circuit courts, shall be adjudged to be transported, and shall be accordingly transported to some of his majesty's plantations in *America* for life; and in case any person so adjudged to be transported shall return into, or be found in *Great Britain*, he shall suffer imprisonment for life.

Scotch act,
1696.
[Will. 3,
parl. 1, sess.
6, c. 26.]

43 GEORGE 3, CAP. 54.—*An act for making better provision for the parochial schoolmasters, and for making further regulations for the better government of the parish schools, in Scotland.*—Whereas the parish schoolmasters in *Scotland* are a most useful body of men, and their labours have been of essential importance to the public welfare: and whereas by an act passed in the parliament of *Scotland*, in the reign of king *William* the third, in the year one thousand six hundred and ninety-six, intituled, *act for settling of schools*, it is, *inter alia*, statuted and ordained, that there be a school settled and established, and a schoolmaster appointed, in every parish not already provided, by advice of the heritors and minister of the parish; and for that effect, that the heritors in every parish meet and provide a commodious house for a school, and settle and modify a salary to a schoolmaster, which shall not be under one hundred merks nor above two hundred merks *Scots*, to be paid yearly, at two terms, *Whitsunday* and *Martinmas*, by equal portions; and certain rules and regulations were laid down by the said act, relative to the apportioning and payment of the said salary by the heritors of the parish: and whereas the highest salary by the said act granted, amounting only to eleven pounds two shillings and two-pence two thirds of a penny sterling, which by difference in the value of money, and change in the circumstances of the country, has become a provision altogether inadequate for a body of men whose labors are of so great public utility: may it therefore please your majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the term of *Martinmas* next, the salary of each parochial schoolmaster in every parish of *Scotland* shall not be under the sum of three hundred merks *Scots per annum*, nor above the sum of four hundred merks *Scots per annum*, except in the cases hereinafter mentioned.

Future annual salary
to school-
masters from
300 to 400
merks *Scots*.

Heritors
(qualified as
under s. 22),
and minister
of the parish

II. And be it further enacted, that within three months after the passing of this act, the heritors possessed of the qualification required by this act, and the minister of every parish, shall hold a meeting, of

which intimation shall be given from the pulpit immediately after divine service in the forenoon, and by circular letters, to be written by the minister of the parish, to such heritors having the qualification prescribed by this act, who are non-resident, and also by leaving a written notice at the mansion house of every heritor, whether resident or not, at least thirty free days before such meeting shall take place; and on due consideration of the circumstances of the particular parish in respect of extent, population, and valued rent, and the probable amount of the other emoluments of the schoolmaster's office, such meeting shall judge and determine whether the schoolmaster's salary shall be three hundred merks *Scots per annum*, or four hundred merks *Scots per annum*, or such sum between these two sums as to such meeting shall seem most suitable to the circumstances of the parish, and shall fix and determine the amount of the schoolmaster's salary, to be paid to the schoolmaster, by a resolution to be made at such meeting, a copy of which resolution, signed by the preses of the meeting, shall be delivered to the schoolmaster of the parish as his authority for collecting and receiving the salary thereby fixed and determined, which shall be paid by the several heritors at the same terms apportioned among them, in the same manner, and with the same relief against their tenants, as is provided by the aforesaid act of the parliament of *Scotland*, passed in the year one thousand six hundred and ninety-six: provided always, that no salary at present payable to any schoolmaster shall be diminished; and in all cases where any such salary or any part thereof is payable in grain or meal, such salary in grain or meal shall continue to be paid and payable in the same manner as heretofore, with such additions thereto in money as to such meeting shall seem proper; and in fixing and determining the amount of the salary to be paid pursuant to this act, such grain or meal making part of such salary shall be estimated at the rate of two hundred merks *per chalder*.

shall fix such salaries.

Salaries payable in grain or meal shall so continue, and shall be estimated at 200 merks *per chalder*.

III. And be it enacted, that the salaries so fixed and determined in manner above directed, shall continue to be the salaries payable to the schoolmaster of every parish for and during the period of twenty-five years from and after the passing of this act; and within three years after the expiration of twenty-five years from the passing of this act, the sheriff or steward of every county or stewartry shall fix and determine, according to the average amount of the fiars of the county or stewartry for the twenty-five years preceding, what is the value or average price of a chalder of oatmeal, and he shall make a return of such average to the office of king's remembrancer in exchequer in *Scotland*; and the lord chief baron and barons of exchequer are hereby empowered and required, from such returns by the sheriffs and stewarts of *Scotland*, to strike the average price of a chalder of oatmeal for all *Scotland*; and an order of the said court of exchequer, fixing such average, shall, within three months from the date of the last return by the sheriffs and stewarts, be published by the king's remembrancer in the *Edinburgh Gazette*, and such other *Scots* newspapers as he shall deem sufficient, for three successive weeks, and a copy thereof shall also be transmitted by the said remembrancer to the sheriff or steward clerk of every shire or stewartry in *Scotland*; which average so ascertained shall be the

Salaries so fixed shall be payable for twenty-five years. Within three years afterwards the price of a chalder of oatmeal shall be ascertained and certified on the average of twenty-five years,

and shall be the rate for fixing the schoolmasters' salaries

rate according to which the schoolmaster's salary shall be fixed in the manner hereinafter directed, and the sheriff or steward clerk shall transmit a certificate thereof, signed by him, to the minister of each parish within the county or stewartry, to be by him submitted to the meeting directed to be called in manner immediately after mentioned.

Heritors and ministers shall meet within three months after the ascertaining and certifying such average price, and shall fix the amount of schoolmasters' salaries accordingly.

IV. And be it enacted, that within three months after the date of such certificate, the heritors possessed of the qualification required by this act, and the minister of every parish in *Scotland*, shall hold a meeting, of which intimation shall be given from the pulpit immediately after divine service in the forenoon, and by circular letters, to be written by the minister of the parish, to such heritors having the qualification prescribed by this act, who are non-resident, and also by leaving a written notice at the mansion house of every heritor whether resident or not, at least thirty free days before such meeting shall take place; and on due consideration of the circumstances of the particular parish in respect of extent, population, and valued rent, such meeting shall judge and determine whether the schoolmaster's salary of the same shall be equal to the average price of one chalder and a half, or of two chalders of oatmeal, according to the amount thereof, ascertained by the aforesaid certificate, or to such proportion between them as to such meeting shall seem most suitable to the circumstances of the parish, and shall fix and determine the amount of the schoolmaster's salary, to be paid pursuant to such average and their resolution thereupon; a copy of which resolution, signed by the preses of the meeting, shall be delivered to the schoolmaster of the parish, as his authority for collecting and receiving the salary thereby fixed and determined, which shall be paid to him by the several heritors at the same terms, apportioned among them, in the same manner, and with the same relief against their tenants, as is provided by the aforesaid act of the parliament of *Scotland*, in the year one thousand six hundred and ninety-six.

In case of neglect, &c. appeal may be made, within three months, to the next quarter sessions.

V. Provided always, and be it enacted, that in case the heritors and minister shall neglect or refuse to determine the amount of the salary to be paid to the schoolmaster according to the provisions of the act, or in case any heritor, or the schoolmaster, shall be dissatisfied with the determination made, it shall be competent within three months after such meeting ought to have been held, or such determination shall have been made, for the schoolmaster to apply, or for such person so dissatisfied to appeal, to the next quarter sessions held for the shire or stewartry within the bounds of which the parish or parish kirk lies, whose judgment shall be final, and no appeal by advocacy, suspension, or otherwise, shall be admitted against the judgment given at such quarter sessions: provided always, that no heritor of the parish from whence such appeal comes shall vote upon such appeal at such quarter sessions.

At the end of every twenty-five years the schoolmaster's salary shall be re-ascertained in like manner.

VI. Provided always, and be it enacted, that after twenty-five years shall have elapsed from the time the amount of a schoolmaster's salary shall have been so fixed, the sheriff of a shire, steward of a stewartry, shall within three months again determine the average price of a chalder of oatmeal in the manner directed by this act; and shall, as above directed, return the same to the office of king's

remembrancer in exchequer, and the lord chief baron and barons of exchequer shall again by an order of court fix the average price for all *Scotland*; and the king's remembrancer shall again transmit a copy of said order of court to the sheriff or steward clerk of each shire or stewartry, and the said sheriff or steward clerk shall again publish the same in the *Edinburgh Gazette* and *Scots* newspapers, and transmit a certificate of said average and order of court to the minister of each parish within his shire and stewartry, and the heritors and minister shall again fix and determine the schoolmaster's salary according to such average, such salary never being less than the value of one chalder and an half, nor more than two chalders for the next twenty-five years, and so *toties quoties* at the end of every twenty-five years for ever, unless altered by parliament; and every such determination of salary shall be liable to appeal to the quarter sessions in manner and to the effect above directed.

VII. Provided always, and be it enacted, that in every parish where there is only one heritor qualified as hereinafter prescribed, such heritor shall have two votes at every meeting directed to be held pursuant to this act; and in all meetings where no preses has been chosen, the heritor present possessed of the highest valuation shall have the casting vote.

Where only one heritor, he shall have two votes.

Preses.

VIII. And be it further enacted, that in every parish where a commodious house for a school has not already been provided, pursuant to the directions in the above recited act, and in every parish where a dwelling house for the residence of the schoolmaster has not already been provided together with a portion of ground for a garden to the extent hereafter mentioned, the heritors of every such parish shall provide a commodious house for a school, and also a house for the residence of the schoolmaster, such house not consisting of more than two apartments including the kitchen, together with a portion of ground for a garden to such dwelling house, from fields used for the ordinary purposes of agriculture or pasturage, as near and convenient to the schoolmaster's dwelling house as reasonably may be; which garden shall contain at least one-fourth part of a *Scots* acre, and shall be enclosed with such fence as is generally used for such purposes in the district of the county where it is situated; and the expense of providing such school house, dwelling house, and garden, and supporting the same, shall be defrayed and paid in the same and like manner as is prescribed for providing a house for a school by the aforesaid act of the parliament of *Scotland*: providing always, that where the heritors shall determine that such garden cannot be allotted to the schoolmaster without great loss and inconvenience, it shall be optional to them, with the authority of the quarter sessions of the county or stewartry, to assign to the schoolmaster, in lieu of such garden, an addition to his salary, at the rate of eight bolls of oatmeal *per* acre, to be computed according to the average ascertained in manner hereinbefore directed.

School house and dwelling house and garden shall be provided;

or, in lieu of a garden, an addition to salary.

IX. And be it further enacted, that in case the heritors shall neglect or refuse to provide the accommodations of house, school house, and garden, or additional salary in lieu thereof, to schoolmasters according to the provisions of this act, or in case the schoolmaster shall not be satisfied with the accommodations afforded

In case of neglect, &c. schoolmasters may apply to quarter sessions.

him, it shall be competent for him to bring the same by representation or petition before the quarter sessions held for the shire or stewartry to which the parish of which he is schoolmaster belongs, or in which the parish kirk is situated; and in all such cases the judgment of the quarter sessions shall be final, without any further appeal by advocacy, suspension, or otherwise: provided always, that no justice of the peace who shall be an heritor in the parish of such schoolmaster shall vote upon such representation or petition.

Satisfaction to heritors whose ground shall be taken for school house &c.

X. Provided always, and be it enacted, that the heritor or heritors from whose estates any ground shall be taken for the purpose of such school house, dwelling house, and garden, shall have his, her, or their relief against the other heritors of the parish, for the value of the ground so to be taken, in proportion to the valued rent of the lands belonging to the whole heritors in the parish; such relief to be settled only by the sheriff or steward of the county or stewartry, without appeal by advocacy, suspension, or otherwise.

Regulations for two teachers in parishes consisting of two or more islands, or being of great extent.

XI. And be it enacted, that in case of those parishes which consist of districts detached from each other by the sea or arms of the sea, or otherwise, as where a parish consists of two or more islands, of which there are several instances in the highlands, north isles, and *Hebrides*, or where it is otherwise of great extent or population, so that one parochial school cannot be of any effectual benefit to the whole inhabitants of such parishes, it shall be competent to the heritors and minister if they shall see cause on fixing a salary of six hundred merks, or the value of three chalders of oatmeal, to be computed according to the provisions of this act, to divide the same among two or more teachers according to the extent and population of the parish; and these proportions so divided shall be paid to teachers of schools in the same way and manner, and under the same conditions, as hereafter are specified by this act, for supplying vacant parochial schools with masters; but in respect that the heritors of such parishes are to pay an higher salary, they are hereby exempted from the obligation of providing school houses, dwelling houses, and gardens, for the teachers among whom the salary is to be divided in the manner aforesaid; and in case a difference of opinion shall arise among the heritors respecting the propriety and usefulness of such division of the salary, the same shall be submitted by petition or representation to the quarter sessions of the shire or stewartry, within the bounds of which the parish or parish kirk is situated; and the judgment thus obtained shall be final without appeal by advocacy, suspension, or otherwise.

Not to extend to royal burghs.

XII. Provided always, and be it enacted, that none of the provisions of this act shall apply to the case of a parish, which consists only of a royal burgh or part of a royal burgh.

Where a parish consists of a burgh and a landward heritor, schoolmaster shall be appointed, &c. as heretofore

XIII. And be it further declared, that where a parish consists of a royal burgh, or part of a royal burgh, and a landward heritor or heritors, the schoolmaster shall be appointed and maintained by the burgh, or by the landward heritor or heritors, or by the burgh and landward heritors, in the same way and manner, and according to the same proportions that have hitherto been observed in such

parish; the salary and accommodations being always equal in value to those provided by this act, and the same remedy being allowed in case they are otherwise, and to be applied for in the manner already specially pointed out; and provided any additions shall be granted, the same shall be paid in the same proportions by the parties from whom the present salary is received.

XIV. And be it enacted, that, from and after the passing of this act, in case of vacancy in the office of schoolmaster, by death or otherwise, the minister of the parish shall within fifteen days, intimate or cause to be intimated from the pulpit, immediately after divine service in the forenoon, the vacancy which has taken place, and communicate the knowledge of the same by letter to such heritor or heritors as may be non-resident; and the heritors possessed of the qualification required by this act, with the minister of the parish, are hereby appointed to hold a meeting, of which intimation shall be given by the minister, by edictal citation and circular letters to such as are non-resident, at least thirty free days before it takes place; and such meeting or adjourned meeting shall elect a person to the vacant office of schoolmaster; and in the event of the parish being vacant, the presbytery shall appoint some one of their number to make the intimations and give the notices which, according to the provisions of this act, the minister is required to do.

Election of schoolmasters by heritors, &c. in cases of vacancies:

XV. Provided always, and be it enacted, that if the heritors qualified as is hereby required, and minister, shall fail to elect a schoolmaster within four calendar months from the time the vacancy shall have taken place, then the presbytery within the bounds of which the parish is situated, shall apply to the convener of the commissioners of supply of the county or stewartry, who, or any five of them, at a meeting to be called by the convener upon thirty days' notice, shall have power, *jure devoluto*, and are hereby directed to elect a person to supply the vacancy.

or on failure, the commissioners of supply shall appoint.

XVI. And be it further enacted, that every schoolmaster elected under the provisions of this act, shall carry the minutes, or an extract or certified copy of the minutes of his election to the presbytery, accompanied with attestations of his having taken the oath to his majesty before any one of his majesty's justices of the peace; and the presbytery shall thereupon take trial of his sufficiency for the office, in respect of morality and religion, and of such branches of literature as by the majority of heritors and minister shall be deemed most necessary and important for the parish, by examination of the presentee, by certificates and recommendations in his favor, by their own personal inquiry or otherwise, and shall see him sign the confession of faith and formula of the church of *Scotland*; and their judgment or determination as to the qualifications of such presentee for the office of schoolmaster shall not be reviewed or suspended by any court, civil or ecclesiastical; and provided they are satisfied with the same, he shall be furnished with an extract from their minutes, bearing that he had appeared, produced the attestations required, and had been found on trial duly qualified for discharging the duties of the office to which he had been elected, which extract shall complete his right to the emoluments provided by this act.

All schoolmasters shall be examined and approved by the presbytery.

If found un-qualified, time for re-election.

XVII. Provided always, and be it enacted, that in case the person elected is not found duly qualified, the heritors and minister shall only be allowed what remained of the four months, at the time of his election, with so many days more as required by this act.

Heritors and minister shall fix the school fees.

XVIII. And be it further enacted, that the heritors qualified as is hereby required, and minister, in a meeting called on thirty days notification from the pulpit, and by letter from the minister to the non-resident heritors, and by notice to be left at the mansion house of each heritor, whether resident or not, shall have the power of fixing the school fees from time to time as they shall judge expedient; and a table of such fees, signed by the preses of the meeting, shall be hung up in the school room: provided always, that the schoolmaster shall be obliged to teach such poor children of the parish as shall be recommended by the heritors and minister at any parochial meeting.

Superintendence of schools continued to ministers.

XIX. And be it enacted, that the superintendence of schools shall continue with the ministers of the established church as heretofore, according to the several acts of parliament respecting the same, except in so far as altered by this present act.

Presbyteries shall regulate hours of teaching, vacations, &c.

XX. And be it enacted, that as often as presbyteries in the course of their visitation, shall find any thing wrong with respect to the hours of teaching, or the length of the vacation annually given, or when any complaint shall be made to them upon those subjects by parties concerned, they shall have the power of regulating the same in the manner they may judge most consistent with the particular circumstances and general good of the parish; and the schoolmaster is hereby required to conform to and obey all regulations so made by the presbytery, under pain of censure or suspension from or deprivation of his office, as to the presbytery shall seem proper.

Presbytery shall take cognizance of and punish or deprive schoolmasters.

XXI. And be it enacted, that when any complaint from the heritors, minister, or elders, against the schoolmaster, charging him with neglect of duty, either from engaging in other occupations or from any other cause, or with immoral conduct, or cruel and improper treatment of the scholars under his charge, shall be presented to the presbytery, they shall forthwith take cognizance of the same, serve him with a libel if the articles alleged appear to them to be of a nature which requires it, and having taken the necessary proof, they shall acquit or pass sentence of censure, suspension, or deprivation, as shall appear to them proper upon the result of such investigation; which judgment shall be final, without appeal to or review by any court, civil or ecclesiastical; and in case they shall depose the incumbent from the office of schoolmaster, his right to the emoluments and accommodations of the same shall cease from the time of his deposition; and in case he shall fail or refuse to remove from the school, school house, and garden, within the space of three months from the date of such sentence or deposition, the sheriff of the shire, or steward of the stewartry, upon having an extract or certified copy of the sentence of deposition by the presbytery laid before him, shall forthwith grant letters of ejection against such schoolmaster, of which no bill of suspension or advocacy, nor action

of reduction shall be competent: and in case of such deposition the school shall immediately be declared vacant, and the election of another schoolmaster shall take place.

XXII. Provided always, and be it enacted, that it shall not be lawful for any heritor who is not a proprietor of lands within the parish, to the extent of at least one hundred pounds *Scots* of valued rent appearing in the land-tax books of the county within which such parish is situated, to attend or vote at any meeting held pursuant to this act; but every heritor qualified as above may vote by proxy, or by letter under his hand. Qualification of heritors.

XXIII. Provided also, and be it enacted, that all former acts and statutes with regard to parish schools or schoolmasters are hereby ratified and confirmed, in so far as they are not altered by the express provisions of this act. Former acts confirmed.

8 & 9 VICTORIA, CAP. 40.—*An act for amending an act for making provision for parish schoolmasters in Scotland.*—Whereas an act was passed in the forty-third year of the reign of his majesty king George the third, intituled *an act for making better provision for the parochial schoolmasters, and for making further regulations for the better government of the parish schools in Scotland*: and whereas by the said act it is provided, that if the heritors, qualified as thereby required, and minister, shall fail to elect a schoolmaster within four calendar months from the time the vacancy shall have taken place, then the presbytery within the bounds of which the parish is situated shall apply to the convener of the commissioners of supply of the county or stewartry, who, or any five of them, at a meeting, to be called by the convener upon thirty days' notice, shall have power *jure devoluto*, and are hereby directed, to elect a person to supply the vacancy: and whereas in various cases of vacancies the presbyteries have failed to apply to the convener of the commissioners of supply, so as to enable him to call such meeting for the exercise by the commissioners of supply of the *jus devolutum* so conferred upon them, and great inconvenience and injury have been experienced by parishes, in consequence of schoolmasters not having been elected to supply such vacancies: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that failing such election as aforesaid, and such application by the presbytery to the convener of the commissioners of supply, then, within twenty-one days after the expiration of the four months after which the presbytery is so required to apply to the convener of the commissioners of supply, it shall be lawful for any heritor of the parish to make intimation of the vacancy, whether now existing or that may hereafter occur, by letter to the convener of the commissioners of supply of the county or stewartry within which the parish is situated, requiring him to call a meeting of such commissioners upon thirty days' notice; and the commissioners of supply, or any five of them, assembled at such meeting or any adjourned meeting, shall have power, *jure devoluto*, to take the matter of such vacancy into consideration, and unless good cause be shown to the contrary, to proceed forthwith to the election of a schoolmaster, according to the intent 43 G. 3, c. 54.

On failure of election of schoolmaster, and of application to convener, the commissioners of supply to appoint.

and meaning of the said recited act, and such election shall be good and valid to all intents and purposes.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

PARISH VESTRIES.

15 CHARLES 2, CAP. 5.—*An act for the regulating select vestries.*—For prevention of the evils which may arise from vestrymen not conforming to the government and discipline of the church of *England*, as it is now by law established,

II. Be it enacted by the king's most excellent majesty, by the advice, and with the consent of the lords spiritual and temporal, and of the commons in this present parliament assembled, that all and every person who now is a vestryman, or member of any vestry, within any parish in the cities of *London* and *Westminster*, borough of *Southwark*, and weekly bills of mortality, and in all other cities, boroughs and towns corporate where select vestries are used, in the kingdom of *England*, on or before the nine and twentieth day of *September* next; and all and every person, who at any time hereafter shall be elected to be a vestryman, or member of any vestry, within any parish in any the places aforesaid, within one month after such his election; shall before the respective archbishop, bishop or ordinary, vicar general or chancellor of the diocese, make and subscribe the declaration and acknowledgment enjoined in the late wholesome good act, (intituled *an act for the uniformity of public prayers, and administration of sacraments, and other rights and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests and deacons in the church of England*), in these words following,

Every vestryman of select vestry within one month after election,

shall sign the declaration, 13 & 14 Car. 2, c. 4, before the bishop, &c.

III. **I** *A. B.* do declare, that it is not lawful, upon any pretence whatsoever, to take arms against the king; and that I abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him; and that I will conform to the liturgy of the church of *England*, as it is now by law established; and I do declare, that I do hold there lies no obligation upon me, or any other person, from the oath, commonly called, the solemn league and covenant, to endeavour any change or alteration of government either in church or state; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

IV. And that all and every such person who shall neglect or refuse to do the same within the respective times aforesaid, shall *ipso facto*, be deprived of such his place of vestryman, and of being a member of such vestry, to all intents and purposes, and such place shall be actually void, as if such person were naturally dead; any usage or custom to the contrary notwithstanding: and that from and after such neglect or refusal, it shall be lawful for all persons who shall have right of election or nomination of such vestrymen, or members of such vestry, to proceed to election or nomination of some other discreet person of the respective parish, in the room of such person so neglecting or refusing as aforesaid: and if such

upon pain of being ipso facto deprived,

and a new election made.

Persons who have the right of election, neglecting to elect; the archbishop or bishop shall nominate.

A certificate of subscription shall be given without fee.

This act shall not give new powers to vestrymen

and shall only continue to the end of next session.

Three days' notice to be given of vestries;

by publication in church, and affixing on church door.

Chairman of vestries appointed;

to have casting vote.

person so to be elected in the room of such person so neglecting or refusing as aforesaid, shall also neglect or refuse to make and subscribe the said declaration and acknowledgment, in manner and time aforesaid, whereby such place shall again become void; or if such persons who shall have right of election or nomination as aforesaid, shall not proceed to election within one month after such vacancy; then it shall be lawful to and for the respective archbishop, bishop, or ordinary of the diocese, under his hand and seal to elect and nominate a discreet person of the respective parish in such vacant room; which person so to be elected and nominated, after his making and subscription in manner and time aforesaid, shall be, and shall to all intents and purposes be reputed, deemed and taken to be a vestryman, or member of such vestry, in like manner as if he had been chosen by the respective electors; any law, custom or usage to the contrary notwithstanding.

V. And be it enacted by the authority aforesaid, that the respective archbishop, bishop or ordinary, vicar general or the chancellor of the diocese, shall upon request to him made by any vestryman so making and subscribing the said declaration and acknowledgment aforesaid, deliver a certificate of his so doing, for which no fee shall be paid.

VI. Provided always, that nothing in this act shall be construed to give any new power to any select vestryman, or to confirm any usurped power heretofore exercised by any select vestryman, which before the making of this act is not warranted by the law of the land.

VII, Provided also, that this act shall continue in force to the end of the first session of the next parliament, and no longer. EXP.

58 GEORGE 3, CAP. 69.—*An act for the regulation of parish vestries.*—Whereas it is expedient to regulate the manner of holding parish vestries, and the right of voting therein: may it please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *July* one thousand eight hundred and eighteen, no vestry or meeting of the inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some *Sunday* during or immediately after divine service, and by affixing the same, fairly written or printed, on the principal door of such church or chapel.

II. And for the more orderly conduct of vestries, be it further enacted, that in case the rector or vicar or perpetual curate shall not be present, the persons so assembled in pursuance of such notice shall forthwith nominate and appoint by plurality of votes, to be ascertained as hereinafter is directed, one of the inhabitants of such parish to be the chairman of and preside in every such vestry; and in all cases of equality of votes upon any question arising therein, the chairman shall (in addition to such vote or votes as he may by

virtue of this act be entitled to give in right of his assessment) have the casting vote; and minutes of the proceedings and resolutions of every vestry shall be fairly and distinctly entered in a book (to be provided for that purpose by the churchwardens and overseers of the poor), and shall be signed by the chairman, and by such other of the inhabitants present as shall think proper to sign the same.

Minutes to
be entered
and signed.

III. And be it further enacted, that in all such vestries every inhabitant present, who shall, by the last rate which shall have been made for the relief of the poor, have been assessed and charged upon or in respect of any annual rent, profit or value not amounting to fifty pounds, shall have and be entitled to give one vote and no more; and every inhabitant there present, who shall in such last rate have been assessed or charged upon or in respect of any annual rent or rents, profit or value, amounting to fifty pounds or upwards (whether in one or in more than one sum or charge), shall have and be entitled to give one vote for every twenty-five pounds of annual rent, profit and value upon or in respect of which he shall have been assessed or charged in such last rate, so nevertheless that no inhabitant shall be entitled to give more than six votes; and in cases where two or more of the inhabitants present shall be jointly rated, each of them shall be entitled to vote according to the proportion and amount which shall be borne by him of the joint charge; and where one only of the persons jointly rated shall attend, he shall be entitled to vote according to and in respect of the whole of the joint charge.

Manner of
voting in
vestries.

IV. Provided, and be it further enacted, that when any person shall have become an inhabitant of any parish, or become liable to be rated therein, since the making of the last rate for the relief of poor thereof, he shall be entitled to vote for and in respect of the lands, tenements, and property for which he shall have become liable to be rated, and shall consent to be rated in like manner as if he should have been actually rated for the same.

Inhabitants
coming into
a parish
since the last
rate may vote

V. Provided also, and it is hereby further enacted, that no person who shall have refused or neglected to pay any rate for the relief of the poor, which shall be due from and shall have been demanded of him, and shall be entitled to vote or to be present in any vestry of the parish for which such rate shall have been made, until he shall have paid the same.

Inhabitants
refusing
payment of
poor's rate
excluded
from vestries

VI. And be it further enacted, that as well the books hereby directed to be provided and kept for the entry of the proceedings of vestries, as all former vestry books, and all rates and assessments, accounts and vouchers of the churchwardens, overseers of the poor, and surveyors of the highways, and other parish officers, and all certificates, orders of courts and of justices, and other parish books, documents, writings and public papers of every parish, except the registry of marriages, baptisms and burials, shall be kept by such person and persons, and deposited in such place and manner, as the inhabitants in vestry assembled shall direct; and if any person in whose hands or custody any such book, rate, assessment, account, voucher, certificate, order, document, writing or paper shall be, shall wilfully or negligently destroy, obliterate or injure the same, or suffer the same to be destroyed, obliterated or injured, or shall, after

Parish books
and papers
preserved.

Retaining or
injuring pa-
rish books,
&c.

Penalty.

And subject
to other pro-
ceedings.

Provisions
in relation
to parishes
extended to
townships,
&c.

Manner of
giving no-
tices of ves-
tries and
meetings in
special cases

Time for
holding ves-
tries speci-
ally directed
not altered.

Proviso for
special ves-
tries;

and for Lon-
don

reasonable notice and demand, refuse or neglect to deliver the same to such person or persons, or to deposit the same in such place as shall by the order of any such vestry be directed, every person so offending, and being lawfully convicted thereof on his own confession, or on the oath of one or more credible witness or witnesses, by and before two of his majesty's justices of the peace, upon complaint thereof to them made, shall for every such offence forfeit and pay such sum, not exceeding fifty pounds, nor less than forty shillings, as shall by such justices be adjudged and determined; and the same shall be recovered and levied by warrant of such justices in such manner and by such ways and means as poor's rates in arrear are by law to be recovered and levied, and shall be paid to the overseers of the poor of the parish against which the offence shall be committed, or to some of them, and be applied for and towards the relief of the poor thereof: provided nevertheless, that every person who shall unlawfully retain in his custody, or shall refuse to deliver to any person or persons authorized to receive the same, or who shall obliterate, destroy or injure, or suffer to be obliterated, destroyed or injured, any book, rate, assessment, account, voucher, certificate, order, document, writing or paper belonging to any parish, or to the churchwardens, overseers of the poor, or surveyors of the highways thereof, may in every such case be proceeded against in any of his majesty's courts, civilly or criminally, in like manner as if this act had not been made.

VII. Provided always, and be it further enacted, that all provisions, authorities and directions in this act contained in relation to parishes, shall extend, and be construed to extend, to all townships, vills and places having separate overseers of the poor and maintaining their poor separately, and that all the directions and regulations herein contained in regard to vestries shall extend and be applied to all meetings which may by law be holden of the inhabitants of any parish, township, vill or place, for any of the purposes in this act expressed; and that the notices by this act required to be given of every vestry may, in places in which there is or shall be no parish church or chapel, or where there shall not be divine service in such church or chapel, be given and published in such manner as notices of the like nature shall have been there usually given and published, or as shall be most effectual for communicating the same to the inhabitants of every such parish, township, vill or place respectively.

VIII. Provided also, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to alter the time of holding any vestry, parish or town meeting which is by the authority of any act required to be holden on any certain day, or within any certain time in such act prescribed and directed; nor shall any thing in this act contained extend to take away, lessen, prejudice or affect the powers of any vestry or meeting holden in any parish, township or place, by virtue of any special act or acts, of any ancient and special usage or custom, or to change or affect the right or manner of voting in any vestry or meeting so holden.

IX. Provided always, and be it enacted, that nothing in this act contained shall extend to any parish within the city of *London*.

X. Provided always, and be it further enacted, that nothing in this act contained shall extend to any parish in the borough of *Southwark*.

XI. And be it further enacted, that this act shall extend only to that part of the united kingdom called *England* and *Wales*; and that the same shall be a public act, and be judicially taken notice of as such by all judges, justices and others, without specially pleading the same.

Act to extend only to England and Wales.
Public act.

59 GEORGE 3, CAP. 85.—*An act to amend and correct an act of the last session of parliament, for the regulation of parish vestries in England*.—Whereas an act was passed in the last session of parliament, intituled *an act for the regulation of parish vestries*, and it is expedient to amend the same; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, any person who shall be assessed and rated for the relief of the poor in respect of any annual rent, profit or value arising from any lands, tenements or hereditaments situate in any parish, in which any vestry shall be holden under the said recited act, although such person shall not reside in or be an inhabitant of such parish, shall and may lawfully be present at such vestry, and such person shall have and be entitled to give such and so many vote or votes at such vestry, in respect of the amount of such rent, profit or value, as by the said act, any inhabitant of such parish present at such vestry might or ought to have and be entitled to give in respect of such amount, and to all intents and purposes, as if such person were an inhabitant of such parish; any thing in the said recited act to the contrary in anywise notwithstanding.

Persons rated to the poor, though not parishioners, may vote in vestry according to the value of the premises rated.

II. And be it further enacted, that in all cases where any corporation or body politic or corporate or company shall be charged to the rate for the relief of the poor of such parish, either in the name of such corporation or of any officer of the said corporation, it shall and may be lawful for the clerk, secretary, steward or other agent duly authorized for that purpose of such corporation or body politic or corporate or company, to be present at any vestry to be holden in the said parish under the said recited act; and such clerk, secretary, steward or agent, shall be entitled to give such and so many vote or votes at such vestry, in respect of the amount of the rent, profit or value of such lands, tenements or hereditaments, as by the said act any inhabitant assessed to such rate present at such vestry might or ought to have and be entitled to in respect of such amount; any thing in the said recited act to the contrary in anywise notwithstanding.

Clerk or agent of corporation, &c. may vote in vestry according to the value of the premises rated.

III. And whereas by the said act it was intended to be enacted that no person should be present at or vote at any vestry who should have refused to pay any assessment that had become due and had been demanded of such person, but the word 'and' was by mistake so inserted in the said act, as to make the same in that respect ambiguous: now, to rectify such mistake, be it further enacted, that no person who shall have refused or neglected to pay

58 G. 3, c. 69, s. 5.

Nonpayment of rates to disqualify

from being
present or
voting in
vestry.

any rate for the relief of the poor which shall be due from and shall have been demanded of him, shall be entitled to vote or to be present in any vestry of the parish for which such rate shall have been made, until he shall have paid the same; nor shall any such clerk, secretary, steward or agent, be entitled to be present or to vote, nor shall be present or vote, at any vestry in such parish, unless all rates for the relief of the poor, which shall have been assessed and charged upon or in respect of the annual rent, profit or value, in right of which any such clerk, secretary, steward or agent shall claim to be present and vote, which shall be due, and which shall have been demanded at any time before the meeting of such vestry, shall have been paid and satisfied.

Act may be
adopted by
any parish.

1 & 2 WILLIAM 4, CAP. 60.—*An act for the better regulation of vestries, and for the appointment of auditors of accounts, in certain parishes of England and Wales.*—Whereas it is expedient to provide for the election of vestries, and of auditors of parish accounts, in certain parishes of *England and Wales*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that this act and the several provisions thereof shall apply to and may be adopted, under and subject to the regulations herein contained, by any parish or parishes in *England and Wales*.

Manner of
adopting it
in parishes
where inha-
bitants do
not assemble
in open ves-
try.

II. And be it further enacted, that when in any parish certain of the rate payers thereof may desire that the said parish should come under the operation of this act, then and in that case any number of rate payers amounting at least to one-fifth of the rate payers of such parish, or any number of rate payers amounting at least to fifty parishioners, may, on some day between the first day of *December* and the first day of *March*, deliver a requisition, by them signed, and describing their places of residence, to the churchwardens, or to one of them, serving for the said parish, requiring of the said churchwardens to ascertain according to the manner hereinafter mentioned whether or not a majority of the rate payers of the said parish do wish and require that this act and the provisions thereof should be adopted therein; and which requisition may be in the form or to the tenor and effect following; (that is to say,)

Form of
requisition.

To the churchwardens of the parish of [*insert here the name of the parish.*]

WE, whose names are hereunto subscribed, being rate payers resident in the said parish, and respectively rated or assessed to the relief of the poor thereof, do hereby require you the said churchwardens to ascertain and determine the adoption or non adoption of an act of the second year of the reign of king *William* the fourth, chapter , intituled *an act* [*here insert the title of the act.*]

Dated this day of in the year of
our Lord

Upon receipt
of requisition,
churchwarden to
give notice
of time and

III. And be it further enacted, that the said churchwardens of the said parish shall on the first *Sunday* in the month of *March* next after the receipt of such requisition affix or cause to be affixed a notice to the principal doors of every church and chapel within the

said parish, specifying some day not earlier than ten days and not later than twenty-one days after such *Sunday*, and at what place or places within the said parish, the rate payers are required to signify their votes for or against the adoption of this act; which votes shall be received on three successive days, commencing at eight of the clock in the forenoon and ending at four of the clock in the afternoon of each day; and the said notice shall be to the following effect:

THE churchwardens of this parish [*insert here the name of the parish*] having received a requisition duly signed according to the provisions of an act of the second year of the reign of *William the fourth*, chapter , for the better regulation of vestries, the rate payers of this parish of [*insert here the name of the parish*] are hereby required, all and each of them, on the day of next, and the two following days, to signify to the said churchwardens by a declaration, either printed or written, or partly printed or partly written, addressed and delivered to one of the churchwardens at [*insert here the place*], their votes for or against the adoption of the aforesaid act for the better regulation of vestries by the rate payers of this parish.

Form of notice.

(Signed)

Churchwardens.

IV. And be it further enacted, that the said declaration shall be to the following effect:

Form of declaration.

I *A. B.* of street [*or* place *or* house] in this parish of vote [*for or against, as the case may be*], the adoption of the act of the second year of the reign of *William the fourth*, chapter , for the better regulation of vestries by this parish.

V. And be it further enacted, that the said churchwardens shall carefully examine the votes to them delivered as aforesaid, and shall compare them with the last rate made for the relief of the poor of the said parish, and shall be empowered to call before them and examine any parish officer touching the said votes, or any rate payer so giving his vote, and after a full and fair summing up of the said votes shall, by public notice according to the form and manner hereinafter prescribed, declare whether or not two-thirds of the votes given have been given in favour of the adoption of the said act: provided always, that the whole number of persons voting shall be a clear majority of the rate payers of the parish: provided also, that the adoption or non adoption of this act shall be decided by such number of votes as aforesaid.

Churchwardens to declare whether the votes are in favor of adopting this act.

VI. Provided always, and be it further enacted, that any of the rate payers of the aforesaid parish, not exceeding five together, may inspect, at or in the vestry room, or in some convenient place within the same parish, and they are hereby empowered to inspect, the votes so given for and against the adoption of this act, at all seasonable times within one month after such notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and freely to permit and allow the examination thereof by the aforesaid rate payers of the said parish at such seasonable times within the period aforesaid.

Rate payers may inspect votes.

No person to vote unless he has been rated one year.

VII. Provided always, and be it enacted, that no person shall be deemed a rate payer, or be entitled to vote, or do any other act, matter, or thing as such under the provisions of this act, unless he or she shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate payer, and shall have paid all the parochial rates, taxes, and assessments due from him or her at the time of so voting or acting, except such as have been made or become due within the six months immediately preceding such voting.

Notice of adoption of the act.

VIII. And be it further enacted, that notice of the adoption of this act by any parish shall be forthwith given by the churchwardens for the time being of the said parish in the *London Gazette* and in one or more of the public newspapers circulating in the county in which the said parish may be situated, and by affixing a notice of the same to the principal doors of every church and chapel within the said parish; which notice shall be to the following effect:

Parish of [*here insert name of parish.*]

NOTICE is hereby given, that the above named parish has adopted the act of the second year of the reign of king *William* the fourth, chapter , intituled *an act* [*here insert the title of the act*]; and that the numbers of the majority and minority of votes given for and against the adoption of the said act are as follows; that is to say, votes for the adoption thereof, and votes against the adoption thereof.

Dated this day of in the year of our Lord

(Signed)

Churchwardens.

No similar requisition to be made within three years.

IX. Provided always, and be it further enacted, that if the rate payers shall determine, in the manner as aforesaid, against the adoption of this act, then and in that case it shall not be lawful to make another requisition for the same purposes within three years after such determination.

This act to take effect in all parishes in which its adoption has been notified

X. And be it further enacted, that in any parish in which public notice of the adoption of this act in the manner as aforesaid shall be so made and given, this act shall immediately become the law for electing vestrymen and auditors of accounts of the said parish in manner hereinafter mentioned.

Penalties on churchwardens and others refusing to call meetings, &c.

XI. And be it further enacted, that if any churchwarden, rate collector, overseer, or other parish officer shall refuse to call meetings according to the provisions of this act, or shall refuse or neglect to make and give the declarations and notices directed to be made and given by this act, or to receive the vote of any rate payer as aforesaid, or shall in any manner whatsoever alter, falsify, conceal, or suppress any vote or votes as aforesaid, such churchwarden, rate collector, overseer, or other parish officer shall be deemed and taken to be guilty of a misdemeanor.

Notices of election to be given.

XII. And be it further enacted, that on some *Sunday*, at least twenty-one days previously to the day of annual election of vestrymen, notice of election, pursuant to this act, signed by the churchwardens, shall be affixed to the principal doors of every church and chapel of the said parish, and at other usual places in the following terms:

Parish of [*here insert name of parish.*]

THE parishioners duly qualified according to the provisions of the act of the second year of the reign of king *William* the fourth, intituled *an act* [*here insert the title of the act*], are hereby required to meet at _____ on the _____ day of _____ conformably to the provisions of the said act, and then and there to consider of and elect fit and proper persons to be vestrymen and auditors of accounts of the parish of _____ for the ensuing year; that is to say,

Members of the vestry.

Auditors of accounts.

XIII. And be it further enacted, that the churchwardens may summon the rate collectors to attend them on the said day of annual election, in order to assist them in ascertaining that the persons presenting themselves to vote are parishioners rated to the relief of the poor of the said parish, and duly qualified to vote at the said election. Rate collectors, &c. may be summoned to assist at the election.

XIV. And be it further enacted, that on the day of annual election for vestrymen and auditors in any parish adopting this act, each parishioner then rated, and having been rated to the relief of the poor one year, desirous of voting, do meet at the place appointed for such election, then and there to nominate eight rate payers of the said parish as fit and proper persons to be inspectors of votes, four of such eight to be nominated by the churchwardens, and the other four to be nominated by the meeting; and after such nomination the said parishioners shall elect such parishioners duly qualified as may be there proposed for the offices of vestrymen and auditors; and the chairman shall at such meeting declare the names of the parishioners who have been elected by a majority of votes at such meeting. Form of proceeding at annual elections.

XV. Provided always, and be it further enacted, that any five rate payers may then and there, in writing or otherwise, demand a poll, which shall be taken by ballot, each rate payer delivering to the aforesaid inspectors two folded papers, one of which papers shall contain the names of the persons for whom such parishioner may vote as fit and proper to be members of the vestry, and the other shall contain the names of the persons for whom such parishioner may vote as fit and proper to be auditors of accounts: provided always, that each rate payer shall have one vote and no more for the members of the vestry, and one vote and no more for the auditors of accounts to be chosen in the said parish. A ballot may be demanded

XVI. And be it further enacted, that the inspectors of votes shall deposit the said folded lists, without previously opening the same, in two separate sets of balloting glasses or boxes, one set for the vestry lists, and another for the auditors' lists; and that the said balloting glasses or boxes shall be closed at the time fixed for the termination of the voting, that is, at four of the clock of the afternoon of the last day of election. Mode of voting.

XVII. And be it further enacted, that after the close of the said ballot the aforesaid inspectors shall proceed to examine the said votes, and if necessary shall continue the examination by adjournments from day to day, not exceeding four days, *Sunday* excepted, Duty of Inspectors.

until they shall have decided upon the persons duly qualified according to the provisions of this act who may have been chosen to fill the aforesaid offices.

In case of equality of votes.

XVIII. And be it further enacted, that if an equality of votes should appear to the aforesaid inspectors to be given for any two or more persons to fill any or either of the said offices, in that case the inspectors shall decide by lot upon the person or persons so to be chosen.

Penalty for forging or falsifying any voting list, or obstructing the election.

XIX. And be it further enacted, that if any person do forge or in any way falsify any name or writing in any paper or list purporting to contain the vote or votes of any parishioner as aforesaid so voting for vestrymen or auditors, or do by any contrivance attempt to obstruct or prevent the purposes of such mode of election, the persons so offending shall, upon information laid, and conviction before any two or more justices of the peace having jurisdiction in the parish so adopting this act, be liable to a penalty of not less than ten and not more than fifty pounds, and in default of payment thereof shall be imprisoned for a term not exceeding six nor less than three months; and any fine so levied shall be given, half to the informer who shall have informed against the person so offending, and the other half to the poor of the parish in which the said offence shall have been committed.

Public notice to be given of vestrymen and auditors chosen by parishioners.

XX. And be it further enacted, that the aforesaid inspectors shall, immediately after they shall have decided upon whom the aforesaid elections have fallen, deliver to the churchwardens, or to one of them, serving for the parish so adopting this act, a list of the persons chosen by the parishioners to act as vestrymen and auditors of accounts; and the said list, or a copy thereof, shall be affixed to the doors of the churches and chapels or other places chosen for the purposes of public notice in the said parish.

Penalty on inspector for making incorrect return.

XXI. And be it further enacted, that if any inspector as aforesaid shall wilfully make or cause to be made an incorrect return of the said votes, every such offender shall, upon information laid by any person before two or more justices of the peace having jurisdiction in the said parish, and upon conviction for such offence, be liable to a penalty of not less than twenty-five pounds and not exceeding fifty pounds.

Elections to be annual.

XXII. And be it further enacted, that in all parishes adopting this act the meeting of parishioners for the election of the vestrymen and auditors of accounts by the parishioners shall take place in the month of *May* in every year: provided always, that when a ballot is demanded at such election the same shall commence on the following day, and continue for three successive days, commencing at eight of the clock in the forenoon and closing at four of the clock in the afternoon on each day: provided also, that the day on which such elections shall commence shall in the first instance be appointed by the churchwardens of the parishes adopting this act, but in every subsequent year shall be appointed by the vestry: provided always, that when by reason of the populousness of any parish the said parish shall have been or shall be divided into districts for ecclesiastical or other purposes, then and in that case the said votes shall be taken, according to the aforesaid mode of election, in some conve-

nient place, at the discretion of the churchwardens, in each of the several districts of the said parish.

XXIII. And be it further enacted, that in all parishes adopting this act the vestry appointed and elected as hereinbefore mentioned shall, when the said act shall come into full effect, consist of a certain number of resident householders; that is to say, twelve vestrymen for every parish in which the number of rated householders shall not exceed one thousand; and twelve other additional vestrymen, that is, twenty-four vestrymen, for every parish in which the rated householders shall exceed one thousand; and twelve other additional vestrymen, that is, thirty-six vestrymen, for every parish in which the number of rated householders shall exceed two thousand; and so on at the proportion of twelve additional vestrymen for every thousand rated householders: provided always, that in no case the number of vestrymen shall exceed one hundred and twenty: provided always, that in any parish wherein a greater number of vestrymen are given by special act of parliament than the proportions aforesaid will amount to, that then the number of vestrymen shall remain the same as given by such act of parliament; and provided always, that the rector, district rectors, vicar, perpetual curate, and churchwardens of the said parish shall constitute a part of the said vestry, and shall vote therein, in addition to the vestrymen as aforesaid elected under this act: provided always, that no more than one such rector or other such minister as aforesaid, from any one parish or ecclesiastical district as aforesaid, shall *ex officio* be a part of or vote at any vestry meeting.

Vestry to consist of not less than twelve nor more than one hundred and twenty householders.

XXIV. And be it further enacted, that at the first election for vestrymen after the adoption of this act, in any parish, one-third of the then existing vestry, or the nearest number thereto, but not exceeding the same, shall retire from office, (such portion to be determined by lot), and the parishioners duly qualified shall elect a number of vestrymen equal to one-third of the vestry, to be chosen according to the provisions of this act; and that on the next ensuing annual election for vestrymen one half, or as nearly as may be one half, of the remaining part of the first aforesaid vestry shall retire from office, (such portion to be determined by lot), and the parishioners duly qualified shall again elect a number of vestrymen equal to one-third of the vestry, to be chosen according to the provisions of this act; and that on the next, that is to say, the third annual election for vestrymen, the last remaining portion of the vestry as aforesaid shall retire from office, and the parishioners duly qualified shall elect vestrymen in like manner and number as at the two preceding elections, so as to fill up the vestry to the exact number of vestrymen prescribed by this act.

Proportion of existing vestry to go out of office at each of three first elections under this act.

XXV. And be it further enacted, that at every subsequent annual election those vestrymen who have been three years in office shall go out of office, and the parishioners shall elect, according to the provisions of this act, other vestrymen, to the number of one-third of the total number of which such vestry shall consist, as also fill up any vacancies which may have occurred from death or other causes: provided always, that any or all of the vestrymen so going out by rotation may be immediately eligible for re-election.

Vestrymen to quit office after three years, and one-third of the whole number to be elected annually.

Qualifica-
tions of ves-
trymen.

XXVI. And be it further enacted, that the vestry elected under this act in any parish not within the metropolitan police district or the city of *London* shall consist of resident householders rated or assessed to the relief of the poor upon a rental of not less than ten pounds; and no person shall be capable of acting as one of the said vestry unless he shall be the occupier of a house, lands, tenements, or hereditaments rated or assessed upon the afore mentioned amount of rental within the parish for which he is to serve: provided always, that if the parish adopting this act should be within the metropolitan police district or the city of *London*, or if the resident householders therein should amount to more than three thousand, then and in that case the vestry elected under this act shall consist of resident householders rated or assessed to the relief of the poor of such parish upon a rental of not less than forty pounds *per annum*.

Vestries ap-
pointed after
the adoption
of this act to
exercise the
authority of
former ves-
tries.

XXVII. And be it further enacted, that from and after the adoption of this act in any parish, the vestry shall exercise the powers and privileges held by any vestry now existing in such parish, and the authority of such vestry may be pleaded before any justice or justices of the peace, or in any court of law, in regard to all parochial property, or monies due, or holdings or contracts, or other documents of the like nature, formerly under the control or in the keeping of the said vestry of the said parish; and all parish officers or boards shall account to them in like manner as they have accounted to the said vestry: provided always, that nothing in this act shall be deemed, construed, or taken to repeal, alter, or invalidate any local act for the government of any parish by vestries, or for the management of the poor by any board of directors and guardians, or for the due provision for divine worship within the parish, and the maintenance of the clergy officiating therein, otherwise than is by this act expressly enacted regarding the election of vestrymen and auditors of accounts.

Not to affect
local acts
regarding
vestries,
divine wor-
ship, &c.
except as
herein ex-
pressed.

The acts of
a quorum of
the vestry at
any meeting
to be consi-
dered as the
acts of the
vestry.

XXVIII. And be it further enacted, that all powers or duties to be performed by the vestry of any parish adopting this act may be exercised and performed respectively by the major part of such vestry assembled at any meeting, there not being less than five vestrymen present at a meeting of a vestry which consists of twelve or more elected vestrymen and not exceeding twenty-three, and not being less than seven vestrymen present at a meeting of a vestry which consists of twenty-four or more elected vestrymen and not exceeding thirty-five, and not being less than nine vestrymen present at a meeting of a vestry which consists of thirty-six elected vestrymen or upwards; and all orders and directions given and all contracts and engagements entered into by the vestrymen present at any such meeting, or the major part of them then assembled, shall be as valid and effectual as if the same were done by all the said vestrymen for the time being, and shall be binding and conclusive on all such vestrymen, provided that the same is confirmed at the next subsequent meeting of the vestry.

Meetings not
to be held in
the church.

XXIX. And be it further enacted, that in any case in which the vestry room of any parish in any city or town shall not be sufficiently large and commodious for any vestry meeting, such meeting shall be held elsewhere within the said parish or place, but not in the church or chapel thereof.

XXX. And be it further enacted, that at every meeting of any vestry, in the absence of the persons authorized by law or custom to take the chair, the members present shall elect a chairman for the occasion before proceeding to other business.

Meeting to elect a chairman.

XXXI. And be it further enacted, that the vestry of every parish adopting this act shall cause to be provided and kept a proper book or books, and proper entries to be made therein of the names of the several vestrymen who shall attend the respective meetings of the vestry, and of all orders and proceedings made or taken at such meetings; and all such books shall at all reasonable times be open to the inspection of the said vestrymen, and of any person rated or assessed to the relief of the poor of the said parish, and of any creditor on the rates of the said parish, without fee or reward; and the said vestrymen, persons, and creditors, or any of them, shall and may take copies of or extracts from such books respectively, without paying any thing for the same; and in case the clerk to the said vestry, or other person having the care of such books, shall refuse to permit or shall not permit the said vestrymen or such persons or creditors to inspect the same, or to take such copies or extracts as aforesaid, such clerk or other person shall forfeit and pay any sum of money not exceeding ten pounds for every such offence.

Proceedings to be entered in books, to be open to inspection.

XXXII. And be it further enacted, that the said vestry shall and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and disbursed for or on account of parochial purposes, and of the several articles, matters, and things for which such sums of money shall have been so received and disbursed; which book or books shall at all seasonable times be open to the inspection of the said vestrymen, and of any person or persons rated to the relief of the poor of the said parish, and of any creditor or creditors on the same, without fee or reward; and the said vestrymen and persons and creditors as aforesaid, or any of them, shall and may take copies of or extracts from the said book or books, or any part or parts thereof, without paying any thing for the same; and in case the clerk to the said vestrymen, or other person with whom such books shall remain, shall on any reasonable demand refuse to permit or shall not permit the said vestrymen, persons, or creditors, or any of them, to inspect the said book or books, or to take such copies or extracts as aforesaid, such clerk or other person as aforesaid shall forfeit and pay any sum not exceeding ten pounds for every such offence.

Account books to be kept, and be open to inspection.

XXXIII. And be it further enacted, that in any and every parish adopting this act the parishioners duly qualified to vote for vestrymen as aforesaid shall elect five rate payers of the said parish who shall have signified in writing their assent to serve to be auditors of accounts, which auditors shall be so elected on the first day on which the vestrymen shall be chosen after such parish shall have adopted this act, and according to the same forms of voting as are hereinbefore prescribed for the election of the said vestry: provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall not be qualified according to the provisions of this act, as hereinbefore stated, to fill the office of vestryman for the

Auditors to be chosen annually.

Qualification

Further
qualifica-
tions of
auditors.

Disqualifica-
tion.

Mode of
audit.

Auditors
may call for
persons and
books.

Accounts to
be signed by
auditors.

said parish; and provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall be one of the vestry for the said parish; and if any person on the day of annual election shall be chosen to be both a member of the vestry and an auditor of accounts, the said vestry at their first meeting after such election shall declare the said person incapable of acting as vestryman: provided also, that no person shall be eligible to fill the said office of auditor of accounts who shall be interested, either directly or indirectly, in any contract, office, business, or employ, or in providing or supplying any materials or articles for the parish for which he is to serve; and any person who shall be discovered, after his election, to be so interested, shall cease to be an auditor.

XXXIV. And be it further enacted, that the aforesaid auditors of accounts shall meet twice at least in each year, at the board room of the vestry and (a majority of the said auditors being present at such meetings) shall proceed to audit the accounts of the said vestry for the preceding half year, in presence of the vestry clerk; and the said vestry are hereby required, by their said clerk, to produce and lay before the said auditors at every such meeting a true and just statement or account in writing, accompanied with proper vouchers, of all sums of money which may have come to the hands of the said vestry or of their treasurer, and also of all monies paid, laid out, or expended by them, or by any churchwardens, overseers, surveyors, or other persons by them employed, and responsible to the said vestry, since the last period up to which the accounts of the said vestry were audited; and in all parishes in which other boards shall have control over any part of the parochial expenditure, the said auditors shall have the same power of examining the accounts and officers thereof as of examining the accounts and officers of the vestry, and shall audit the accounts of the said boards in the same manner as they audit the accounts of the said vestries.

XXXV. And be it further enacted, that the said auditors shall have power to summon and call before them, by a writing for that purpose, signed by any one of them, or by the clerk of the vestry of any parish adopting this act, any parish officer or other person or persons whatsoever concerned in the said accounts, and to require of him or her or them to attend the said auditors at any meeting or adjourned meeting, and to bring with them all books of accounts, writings, papers, and documents, required, which may concern the said accounts, and to give such information as to the particulars of such accounts as he, she, or they shall be enabled to give; and any parish officer or other person refusing so to attend, or otherwise wilfully obstructing the purposes of such inquiry, shall be deemed guilty of a misdemeanor.

XXXVI. And be it further enacted, that the said accounts, when audited and approved by the said auditors, or by the major part of them, shall be by them signed in the presence of the clerk of the aforesaid vestry of any parish adopting this act, and the said clerk of the vestry shall also affix his signature to the same; and it shall be lawful for the aforesaid auditors to subjoin such remarks thereto as to them shall seem meet.

XXXVII. And be it further enacted, that the said accounts, when so audited and signed, shall remain at the office of the clerk of the said vestry; and that the said accounts shall after such audit be open and accessible for the examination, at all seasonable times, of any person rated to the relief of the poor of the said parish, and of any creditor on the rates thereof: provided always, that nothing in this act contained relative to the appointment and duty of auditors shall debar the parishioners from any remedy by them before possessed by the law of the land.

Accounts, after audit, to be open to inspection.

XXXVIII. And be it further enacted, that an abstract of the accounts of all monies received and disbursed by the vestry in any parish adopting this act shall twice in every year, within fourteen days after the same shall have been audited in manner in this act mentioned, be made out by the said vestry, either in writing or in print, and a copy of such abstract shall be delivered to all persons applying for the same, and rated or assessed to the relief of the poor of the said parish, such person paying one shilling for the same; and which copies the said clerk is hereby required to cause to be published either in writing or print, and distributed accordingly.

Abstracts of accounts to be published fourteen days after being audited.

XXXIX. And be it further enacted, that in any parish adopting this act the vestry shall cause to be made out, once at least in every year, a list of the several freehold, copyhold, and leasehold estates, and of all charitable foundations and bequests, if any, belonging to the said parish, and under the control of the said vestry, the said list to contain a true and detailed account of the place where such estate or charitable foundation may be situate, or in what mode and security such bequest may be invested, specifying also the yearly rental of each, and the particular appropriation thereof, together with the names of the persons partaking of their benefit (except where such benefit shall be allotted to the poor of the parish generally), and to what amount in each case, and also stating the name and description of the persons in whom such estates are vested, and the names and description of the trustees for each charity: provided always, that the aforesaid list shall be open for the inspection of the rate payers, at the office of the vestry clerk, at the same time with the accounts, when audited according to the provisions of this act.

Vestry to make out and publish yearly a list of estates, charities and bequests, &c. with the application thereof.

XL. Provided always, and be it further enacted, that this act or any thing therein contained shall not extend or be construed to extend to invalidate or avoid any ecclesiastical law or constitution of the church of *England*, save and except so far as concerns the appointment of vestries, or to destroy any of the rights or powers belonging to the archbishops, bishops, deans, or other of the clergy of the said established church, either as individuals or as corporate bodies, or in anywise to abridge or control their ordinary jurisdiction over or relating to any matter or thing respecting the ministers thereof.

Saving of ecclesiastical jurisdiction.

XLI. And in order to remove doubts as to the meaning of certain words in this act, be it enacted, that the word "Justice" shall be deemed to mean justice of the peace; and that the words "Person" and "Party" shall be deemed to include any number of persons or

Meaning of terms used in this act.

parties; and that the words "justices of the peace of the county or city" shall be deemed to include justices of the peace of any division of a county, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate; and that the word "Parish" shall be deemed to include any liberty, precinct, township, hamlet, tithing, vill, extra-parochial place, or any place maintaining its own poor; and that the word "Rate payers" shall include "Ley payers"; and that the meaning of the several words in this act shall not be restricted, although the same may be subsequently referred to in the singular number or masculine gender only.

As to affixing notices.

XLII. And be it further enacted, that the words "Church or chapel" insomuch as regards the affixing of notices as by this act directed, shall be deemed to include all places of religious worship according to the forms of the established church; and that in any parish or place not having a parish church or chapel as aforesaid the notices shall be affixed to some public building within the limits of the said parish or place.

Act not to extend to parishes where not more than eight hundred rate payers, except in cities or towns.

XLIII. Provided always, and be it further enacted, that nothing in this act contained shall extend to any parish not being within or being part of any city or town, in which parish there shall not be a greater number than eight hundred persons rated as householders, and having paid the rates for the relief of the poor within the year preceding that in which the provisions of this act may be desired to be put in execution within such parish.

Public act.

XLIV. And be it further enacted, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, without the same being specially pleaded.

1 VICTORIA, CAP. 45.—*An act to alter the mode of giving notices for the holding of vestries, of making proclamations in cases of outlawry, and of giving notices on Sundays with respect to various matters.*—

58 G. 3, c. 69.

Whereas by an act of parliament passed in the fifty-eighth year of the reign of his majesty king *George* the third, intituled, *an act for the regulation of parish vestries*, it is enacted, that no vestry or meeting of the inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some *Sunday* during or immediately after divine service, and by affixing the same, fairly written or printed, on the principal door of such church or chapel: and whereas by an act passed in the thirty-first year of queen *Elizabeth* it is enacted, that before any outlawry shall be had and pronounced proclamation shall be made at the door of the church or chapel of the town or parish where the defendant shall be dwelling immediately after divine service on a *Sunday*: and whereas by divers acts relative to the assessing and collecting of highway and poor rates and land tax, and other matters, it is directed or required that public notice shall be given with reference to certain proceedings relating thereto respectively in the parish churches or chapels during divine service: and whereas by ancient

custom notice is usually given in churches during divine service of the times appointed for holding courts leet, courts baron, and customary courts: and whereas it is expedient that such mode of giving notices should be altered: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act so much of the said first recited act as directs the publication of such notices to be made in the parish church or chapel on some *Sunday* during or immediately after divine service shall be and the same is hereby repealed; and that from and after the first day of *January* next no proclamation or other public notice for a vestry meeting or any other matter shall be made or given in any church or chapel during or after divine service, or at the door of any church or chapel at the conclusion of divine service.

So much of the first recited act as directs publication of notices repealed.

Notices not to be given in churches during divine service, &c.

II. And be it further enacted, that from and after the first day of *January* next all proclamations or notices, which under or by virtue of any law or statute, or by custom or otherwise, have been heretofore made or given in churches or chapels during or after divine service, shall be reduced into writing, and copies thereof either in writing or in print, or partly in writing and partly in print, shall previously to the commencement of divine service on the several days on which such proclamations or notices have heretofore been made or given in the church or chapel of any parish or place, or at the door of any church or chapel, be affixed on or near to the doors of all the churches and chapels within such parish or place; and such notices when so affixed shall be in lieu of and as a substitution for the several proclamations and notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever.

Notices heretofore usually given during or after divine service, &c. to be affixed to the church doors.

III. And be it further enacted, that no such notice of holding a vestry shall be affixed on the principal door of such church or chapel unless the same shall previously have been signed by a churchwarden of the church or chapel, or by the rector, vicar, or curate of such parish, or by an overseer of the poor of such parish; but that every such notice so signed shall be affixed on or near to the principal door of such church or chapel.

Notices for holding vestries to be signed as herein directed.

IV. And be it further enacted, that from and after the first day of *January* next no decree relating to a faculty, nor any other decree, citation, or proceeding whatsoever in any ecclesiastical court, shall be read or published in any church or chapel during or immediately after divine service.

Decrees, &c. of ecclesiastical courts not to be read in churches.

V. Provided always, and be it further enacted, that nothing in this act shall extend or be construed to extend to the publication of banns, nor to notice of the celebration of divine service or of sermons, nor to restrain the curate, in pursuance of the rules in the book of common prayer, from declaring unto the people what holy days or fasting days are in the week following to be observed, nor to restrain the minister from proclaiming or publishing what is prescribed by the rules of the book of common prayer, or enjoined by the queen or by the ordinary of the place.

Act not to extend to notices purely ecclesiastical

Extension
of act.

VI. And be it further enacted, that all the provisions of this act shall extend and be construed to extend to the town of *Berwick-upon-Tweed*, the *Isle of Man*, and the islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PAROCHIAL LIBRARIES.

7 ANNE, CAP. 14.—*An act for the better preservation of parochial libraries in that part of Great Britain called England.*—Whereas in many places in the south parts of *Great Britain* called *England* and *Wales* the provision for the clergy is so mean, that the necessary expense of books for the better prosecution of their studies cannot be defrayed by them; and whereas of late years, several charitable and well-disposed persons have by charitable contributions erected libraries within several parishes and districts in *England*, and *Wales*; but some provision is wanting to preserve the same, and such others as shall be provided in the same manner, from embezzlement; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every parish or place where such a library is or shall be erected, the same shall be preserved for such use and uses, as the same is and shall be given, and the orders and rules of the founder or founders of such libraries shall be observed and kept.

In every parish where a library shall be erected, it shall be preserved for the uses to which it is given, &c.

II. And for the encouragement of such founders and benefactors, and to the intent they may be satisfied, that their pious and charitable intent may not be frustrated; be it also enacted by the authority aforesaid, that every incumbent, rector, vicar, minister or curate of a parish, before he shall be permitted to use and enjoy such library, shall enter into such security by bond or otherwise, for preservation of such library, and due observance of the rules and orders belonging to the same, as the proper ordinaries within their respective jurisdictions, in their discretion shall think fit; and in case any book or books belonging to the said library shall be taken away and detained, it shall and may be lawful for the said incumbent, rector, vicar, minister or curate for the time being, or any other person or persons, to bring an action of trover and conversion, in the name of the proper ordinaries within their respective jurisdictions; whereupon treble damages shall be given with full costs of suit, as if the same were his or their proper book or books, which damages shall be applied to the use and benefit of the said library.

Incumbents, &c. before they use the library, shall give security to preserve it.

If any book be taken away, &c. the incumbent may bring trover, and shall recover treble damages, to the use of the library.

III. And it is further enacted by the authority aforesaid, that it shall and may be lawful to and for the proper ordinary, or his commissary or official in his respective jurisdiction, or the archdeacon, or by his direction his official or surrogate, if the said archdeacon be not the incumbent of the place where such library is, in his or their respective visitation, to inquire into the state and condition of the said libraries, and to amend and redress the grievances and defects of and concerning the same, as to him or them shall seem meet; and it shall and may be lawful to and for the proper ordinary, from time to time, as often as shall be thought fit, to appoint such person or persons, as he shall think fit, to view the state and condition of such

The ordinary, &c. may inquire into the state of the library, and amend the defects;

and appoint persons to inspect the library.

libraries, and the said ordinaries, archdeacons or officials respectively, shall have free access to the same at such times as they shall respectively appoint.

Incumbent, &c. to make a catalogue of the books, to be delivered to the ordinary, and registered without fee.

IV. And be it also further enacted by the authority aforesaid, that where any library is appropriated to the use of the minister of any parish or place, every rector, vicar, minister or curate of the same, within six months after his institution, induction or admission, shall make or cause to be made a new catalogue of all books remaining in, or belonging to such library, and shall sign the said catalogue thereby acknowledging the custody and possession of the said books; which said catalogue so signed, shall be delivered to the proper ordinary within the time aforesaid, to be kept or registered in his court, without any fee or reward for the same.

Where libraries are already erected, such catalogue to be made, &c. before 29 Sept. 1709.

V. And be it further enacted by the authority aforesaid, that where there are any parochial libraries already erected, the incumbent, rector, vicar, minister, or curate of such parish or place, shall make or cause to be made a catalogue of all books in the same, thereby acknowledging the custody and possession thereof; which catalogue so signed, shall be delivered to the proper ordinary, on or before the nine and twentieth day of *September* which shall be in the year of our Lord one thousand seven hundred and nine; and where any library shall at any time hereafter be given and appropriated to the use of any parish or place, where there shall be an incumbent, rector, vicar, minister, or curate in possession, such incumbent, rector, vicar, minister or curate, shall make or cause to be made a catalogue of all the books, and deliver the same, as aforesaid, within six months after he shall receive such library.

And where any shall be erected, within six months after

Upon the death or removal of any incumbent, the churchwardens shall lock up the library.

VI. And to prevent any embezzlement of books upon the death or removal of any incumbent, be it also enacted by the authority aforesaid, that immediately after the death or removal of any incumbent, rector, vicar, minister, or curate, the library belonging to such parish or place shall be forthwith shut up, and locked, or otherwise secured by the churchwarden or churchwardens for the time being, or by such person or persons as shall be authorized or appointed by the proper ordinary, or archdeacon respectively, so that the same shall not be opened again, till a new incumbent, rector, vicar, minister, or curate shall be inducted or admitted into the church of such parish or place.

The vestry, &c. may meet in such libraries, if they did so formerly.

VII. Provided always, that in case the place where such library is or shall be kept, shall be used for any public occasion for meeting of the vestry, or otherwise, for the despatch of any business of the said parish, or for any other public occasion, for which the said place hath been ordinarily used, the place shall nevertheless be made use of as formerly for such purposes, and after such business despatched shall be again forthwith shut and locked up, or otherwise secured, as is before directed.

The incumbent shall enter the benefactions, and books.

VIII. And be it also further enacted by the authority aforesaid, that for the better preservation of the books belonging to such libraries, and that the benefactions given towards the same may appear, a book shall be kept within the said library for the entering and registering of all such benefactions, and such books as shall be given towards the same, and therein the minister, rector, vicar, or

curate of the said parish or place, shall enter or cause to be fairly entered such benefactions, and an account of all such books as shall from time to time be given, and by whom given.

IX. And for the better governing the said libraries, and preserving of the same, it is hereby further enacted by the authority aforesaid, that it shall and may be lawful to and for the proper ordinary, together with the donor of such benefaction, (if living) and after the death of such donor, for the proper ordinary alone, to make such other rules and orders concerning the same, over and above, and besides, but not contrary to such as the donor of such benefactions shall in his discretion judge fit and necessary; which said orders and rules so to be made, shall, from to time, be entered in the said book, or some other book to be prepared for that purpose, and kept in the said library.

The ordinary and donor may make orders concerning the library;

which shall be entered as aforesaid.

X. And it is further enacted and declared by the authority aforesaid, that none of the said books shall in any case be alienable, nor any book or books that shall hereafter be given by any benefactor or benefactors shall be alienated, without the consent of the proper ordinary, and then only when there is a duplicate of such book or books; and that in case any book or books be taken or otherwise lost out of the said library, it shall and may be lawful to and for any justice of peace within the county, riding, or division, to grant his warrant to search for the same, and in case the same be found, such book or books so found shall immediately, by order of such justice, be restored to the said library; any law, statute, or usage to the contrary in anywise notwithstanding.

Books not to be alienable without consent of the ordinary.

If any book be lost a justice of peace may grant a warrant to search for it; and if found it shall be restored to the library.

XI. Provided always, that nothing in this act contained shall extend to a public library lately erected in the parish of *Ryegate* in the county of *Surrey*, for the use of the freeholders, vicar, and inhabitants of the said parish, and of the gentlemen and clergymen inhabiting in parts thereto adjacent; the said library being constituted in another manner than the libraries provided for by this act.

This act shall not extend to a library erected in Ryegate in Surrey.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PAROCHIAL STIPENDS, SCOTLAND.

50 GEORGE 3, CAP. 84.—*An act for augmenting parochial stipends, in certain cases in Scotland.*—See Title—"CHURCH, PRESBYTERIAN, IN SCOTLAND," vol. i. p. 584.

50 G. 3, c. 84,
s. 2.
5 GEORGE 4, CAP. 72.—*An act for amending and rendering more effectual an act for augmenting parochial stipends, in certain cases, in Scotland.*—Whereas an act passed in the fiftieth year of the reign of his late majesty king *George* the third, intituled *an act for augmenting parochial stipends in certain cases in Scotland*, by which it was enacted, that as soon as conveniently might be after the passing thereof, the clerks of the different presbyteries within *Scotland* should make up accounts of the different parishes within each presbytery, the stipends of which parishes did not extend in their yearly amount to the sum of one hundred and fifty pounds sterling, and which could not be augmented to that extent under the laws then in force; and upon receiving such accounts, the same were directed to be taken into consideration by the lords of council and session, as commissioners for plantation of kirks and valuation of teinds, and a list or schedule should thereupon be made up, under their direction and authority, of all such stipends which from the causes mentioned in the said recited act could not be augmented to the annual amount or value of one hundred and fifty pounds under the laws then in force, specifying the amount of each stipend, in money, grain or other articles in which the same was payable, and the rate at which such grain or other article, if not in use to be paid in kind, were convertible into money, and if in use to be paid in kind, the value thereof on an average of the last nine years preceding the passing of said act; and so soon as the said lords of council and session, as commissioners foresaid, should have determined with respect to the stipend or stipends of any minister or ministers which ought to be augmented under the authority of the said recited act, the said lords of council and session, as commissioners foresaid, should cause a list or schedule of such stipend or stipends to be made out in manner directed by the said recited act, specifying the sum necessary for augmenting each such stipend to the annual sum of one hundred and fifty pounds, and an extract or certified copy thereof, made out in the manner therein directed, should be transmitted to the barons of exchequer, who should issue their precept or warrant, addressed to his majesty's receiver general and paymaster in *Scotland*, to each of the ministers of the respective parishes mentioned in such list or schedule, for payment to such minister of the annual sum which according to such list or schedule is necessary for augmenting his stipend to the annual amount or value of one hundred and fifty pounds, to be paid to him at the terms or times therein directed during his incumbency: and whereas by the alteration in the price of grain and other circumstances, most of the stipends included in the present lists have been considerably reduced below the said sum

of one hundred and fifty pounds, and it is expedient that the amount of such stipends should from time to time be reconsidered, so as to secure to the incumbents of such parishes a stipend of one hundred and fifty pounds each at all times, as nearly as may be: and whereas it is also expedient that some additional provision should be made in certain cases for such of the parochial clergy of *Scotland* as cannot, according to law, be provided with a manse or glebe: and whereas an annual sum not exceeding two thousand pounds, in addition to the sum provided by the before recited act, will be sufficient to carry these purposes into effect: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that as soon as conveniently may be after the passing of this act, and from time to time once in five years, at the expiration of each successive five years in all time hereafter, the clerks to the different presbyteries within *Scotland* shall make out accounts in the manner directed by the said recited act, of the different parishes within each presbytery, the stipends of which parishes do not at the time extend in their yearly amount or value to the sum of one hundred and fifty pounds sterling, and which cannot be augmented to that extent under the laws at present, or to be then in force, by reason of the causes mentioned in the said recited act, which accounts shall specify the amount of each such stipend in money, grain or other articles, according to an average of the last five years preceding the date of making out the same respectively, and the said accounts shall be transmitted to the teind clerk or principal clerk of the lords of council and session, as commissioners for plantation of kirks and valuation of teinds, who shall thereupon proceed in the manner directed by the said recited act to take the same into consideration, and to adjust and settle the same; and so soon as the said lords of council and session, as commissioners aforesaid, shall have adjusted and settled any such list or schedule, or shall have ascertained the sum necessary for augmenting each such stipend, in the manner directed by the said recited act, as often as the same is required to be done by this act, to the annual amount or value of one hundred and fifty pounds, the said lords of council and session, as commissioners aforesaid, shall cause a list or schedule, or lists or schedules, to be made out in the manner directed by the said recited act, specifying the sum necessary for augmenting each such stipend to the annual sum of one hundred and fifty pounds, and every such list or schedule shall be recorded and transmitted in the manner directed by the said recited act; and the said barons of exchequer shall issue their precept or warrant, addressed to his majesty's said receiver general and paymaster for *Scotland*, to each of the ministers mentioned in any list or schedule made up under the authority of this act, for payment to such minister of the annual sum which, according to such list or schedule, shall appear to be necessary for augmenting his stipend to the annual amount or value of one hundred and fifty pounds, to be paid him during his incumbency, and to his successor, at the terms or times and in the manner directed by the said recited act, unless and until an alteration shall take place in the manner hereinafter directed.

Lists of parishes, the stipends of which do not extend to the yearly value of £150, and which cannot be augmented, &c. as directed by the said recited act, to be made now and once in every five years by the clerks of the presbyteries, and transmitted to the teind clerk.

Lords of council and session to cause lists or schedules to be made out and recorded as by 50 G. 3, c. 84.

Lists of parishes where there is no manse or glebe to be made up in like manner.

II. And whereas in some parishes in *Scotland* the ministers thereof have small stipends, and are not provided with a manse or a glebe, and it is reasonable that in such cases an additional stipend should be paid to such ministers, as some compensation for the want thereof; be it therefore enacted, that as soon as conveniently may be after the passing of this act, the clerks to the different presbyteries within *Scotland* shall make up a list or lists of any parish or parishes within each presbytery the minister whereof is without a manse and glebe, and of any parish or parishes the minister whereof is without a manse, and of any parish or parishes the minister whereof is without a glebe, the stipend of any which minister shall be under the amount or value of two hundred pounds *per annum*; and every such list shall be transmitted to the said teind clerk or principal clerk to the said lords of council and session as commissioners aforesaid.

Commissioners of teinds to inquire into the circumstances of the case, and to make up lists or schedules of such parishes where the stipends are under £200, and cannot be provided with manse or glebe, and of the sum which ought to be allowed, which lists shall be recorded in the teind court.

III. And be it further enacted, that after such list shall have been received by such teind or principal clerk, it shall and may be lawful for the said lords of council and session as commissioners aforesaid, upon the application of any of the ministers interested, or of the procurator of the church on behalf of the whole, to inquire into the circumstances of the case, and if they shall find that the stipend in any parish is under the annual amount or value of two hundred pounds, and that the minister cannot be provided with a manse and a glebe, or with a manse or a glebe, as the case may be, they are hereby directed to cause a list or schedule of every such parish where the minister cannot be so provided to be made out, and of the sum which ought to be allowed in respect of the want thereof, as the case may be, but so as that the total amount of the stipend shall not exceed two hundred pounds *per annum* in any case where the minister is without both manse and glebe, or one hundred and eighty pounds where the minister is without a manse or a glebe, as the case may be, and cannot be provided with the same respectively; and every such list or schedule shall be recorded in the books of the teind court, and an extract or certified copy thereof shall be made out and transmitted to the barons of exchequer, who shall cause the same to be also recorded in their books, and shall issue their precept and warrant, addressed to his majesty's said receiver general and paymaster in *Scotland*, to the minister of the parish or to each of the ministers of the respective parishes mentioned in such list or schedule for payment to such minister of the annual sum which according to such list is to be paid to him in respect of the want of a manse and glebe, or the want of a manse or glebe, as the case may be, during his incumbency in the parish mentioned in such precept or warrant, at the terms and times, and in the same manner as the augmented stipends settled by the said recited act of parliament are thereby directed to be paid to the said respective ministers entitled to the same.

Every five years clerks of presbyte-

IV. And whereas from the alteration of circumstances it may from time to time happen, that the sum to be allowed to some of such ministers to make up their stipends to the sums allowed by this act, may fall below these sums respectively; be it therefore enacted, that once in every five years in all time hereafter, and at

the expiration of five years from the date of each such transmission, the clerks to the different presbyteries in *Scotland* shall make out accounts of the amounts of the different stipends to which additions shall have been made, as directed by this act; and whenever such clerks shall find any such stipend to be five pounds *per annum* less than the sum allowed pursuant to this act, according to the average prices of grain in the county in which such parish shall be situated for the five years immediately preceding, the said clerks shall transmit an account of such stipends to the teind clerk or principal clerk of the said lords of council and sessions as commissioners aforesaid, who shall thereupon proceed to increase each such stipend, so as to make the sum to be thereafter allowed amount as nearly as may be to the sum allowed under this act, according to the average prices of grain for five years preceding the date of such transmission of accounts respectively; and so soon as the said lords of council and session shall have adjusted and settled or ascertained the sum necessary so to be allowed according to such diminution, as the case may be, as often as the same is directed by this act, the said lords of council and session shall cause a list or schedule, lists or schedules, to be made out in the manner directed by the said recited act and this act, specifying the sum thenceforth to be issued, until an alteration in the amount of such sum shall take place in the manner directed by this act; and every such list or schedule shall be recorded, and thereafter transmitted, in the manner above directed in the case of the first allowance under this act; and the said barons of exchequer shall issue their precept or warrant to his majesty's said receiver general and paymaster for *Scotland*, to each of the ministers mentioned in any such list or schedule, for payment to such minister of the annual sum which, according to such list or schedule, is to be paid to him during his incumbency, and to his successor, at the term or times and in the manner directed by the said recited act, unless and until an alteration shall take place in the manner directed by this act.

ries to make out accounts of the stipends to which additions have been made, and when stipends are found to be £5 per ann. less than the sum allowed, they shall transmit an account of such stipends to the teind clerk, that an increase may be made.

Barons of the exchequer to issue warrant for payment to minister.

V. Provided always, and be it enacted, that the augmentations of stipends authorized to be made by this act, shall not exceed in any one year the sum of two thousand pounds sterling over and above and in addition to any balance of the sum of ten thousand pounds granted by the said recited act, remaining unapplied for the purposes thereof.

Not more than £2,000 allowed in one year.

VI. And be it enacted, that all the directions given by the said recited act, with respect to the matters and things thereby appointed to be done, shall be observed and followed in executing this act, as far as such directions are not inconsistent with the same.

Directions of recited act to be observed.

VII. And whereas by an act passed in the fifty-fifth year of the reign of his said late majesty, intituled *an act for granting to his majesty certain sums out of the respective consolidated funds of Great Britain and Ireland, and for applying certain monies therein mentioned for the service of the year one thousand eight hundred and fifteen, and for further appropriating the supplies granted in this session of parliament*, a sum of ten thousand pounds was granted to his majesty to make provision for the augmentation of the maintenance of the poor clergy of the established church of *Scotland*, to be

55 G. 3, c. 187, s. 25.

issued and appropriated pursuant to the provisions of an act passed or to be passed for that purpose: and whereas, by an act passed in 58 G. 3, c. 101, s. 23, the fifty-eighth year of the reign of his late majesty, intituled *an act for applying certain monies therein mentioned for the service of the year one thousand eight hundred and eighteen*, a further sum of ten thousand pounds was granted for a similar purpose, to be issued and appropriated in a similar manner: and whereas, by another act, 59 G. 3, c. 133, s. 17, passed in the fifty-ninth year of the reign of his said late majesty, intituled *an act for applying certain monies therein mentioned for the service of the year one thousand eight hundred and nineteen, and for further appropriating the supplies granted in this session of parliament*, a further sum of ten thousand pounds was granted for a similar purpose, to be issued and appropriated in a similar manner: and whereas these three several sums of ten thousand pounds being no longer required for the purposes for which they were granted; be it enacted, that so much of the said acts as authorizes the issue of the said several sums of ten thousand pounds, shall be and the same are hereby repealed.

Grants for
the poor
clergy under
recited acts
repealed.

5 GEORGE 4, CAP. 90, SEC. 14.—*An act to amend an act for building additional places of worship in the highlands and islands of Scotland.*—See Title—"CHURCH BUILDING, SCOTLAND," vol. ii. p. 219.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1844.

PENALTY FOR SLANDER.

3 EDWARD 1, CAP. 34.—*None shall report slanderous news, whereby discord may arise.*—Forasmuch as there have been oftentimes found in the country divisors of tales, whereby discord, or occasion of discord, hath many times arisen between the king and his people, or great men of this realm; for the damage that hath and may thereof ensue, it is commanded, that from henceforth none be so hardy to tell or publish any false news or tales, whereby discord, or occasion of discord or slander may grow between the king and his people, or the great men of the realm; and he that doth so, shall be taken and kept in prison, until he hath brought him into the court, which was the first author of the tale.

1 Leon. 287.
Dyer 155.
2 Inst. 225.
12 Co. 133.
1 Roll 444.
3 Bulstr. 225.

2 RICHARD 2, STAT. 1, CAP. 5.—*The penalty for telling slanderous lies of the great men of the realm.*—Item, of devisors of false news and of horrible and false lies, of prelates, dukes, earls, barons, and other nobles and great men of the realm, and also of the chancellor, treasurer, clerk of the privy seal, steward of the king's house, justices of the one bench or of the other, and of other great officers of the realm, of things which by the said prelates, lords, nobles, and officers aforesaid, were never spoken, done, nor thought, in great slander of the said prelates, lords, nobles, and officers, whereby debates and discords might arise betwixt the said lords, or between the lords and the commons (which God forbid) and whereof great peril and mischief might come to all the realm, and quick subversion and destruction of the said realm, if due remedy be not provided: it is straightly defended upon grievous pain, for to eschew the said damages and perils, that from henceforth none be so hardy to devise, speak, or to tell any false news, lies, or other such false things, of prelates, lords, and of other aforesaid, whereof discord or any slander might rise within the same realm; and he that doth the same shall incur and have the pain another time ordained thereof by the statute of *Westminster* the first, which will, that he be taken and imprisoned till he have found him of whom the word was moved.

12 Co. 134.
2 Inst. 227.
Vaughan 139.
Palmer 565.

2 Mod. 98,
161.

3 Bulstr. 235.
1 Leon. 287.
Dyer 155.
4 Co. 12.
Kel. 26.
Cro. El. 1.
Cro. Car. 135.
Jones 194.
Rast. 393.

12 RICHARD 2, CAP. 11.—*The punishment of him that telleth lies of the peers or great officers of the realm.*—Item, whereas it is contained, as well in the statute of *Westminster* the first, as in the statute made at *Gloucester*, the second year of the reign of our lord the king that now is, that none be so hardy to invent, to say, or to tell any false news, lies, or such other false things, of the prelates, dukes, earls, barons, and other nobles and great men of the realm, and also of the chancellor, treasurer, clerk of the privy seal, and steward of the king's house, the justice of the one bench or of the other, and other great officers of the realm, and he that doth so shall be taken and imprisoned, till he hath found him of whom the speech shall be moved; it is accorded and agreed in this parliament, that when any such is taken and imprisoned, and cannot find him by whom the speech be moved, as before is said, that

2 Inst. 227,
228.
3 Ed. 1, c. 34.
2 R. 2, stat. 1,
c. 5.
Dyer 155,
285.
4 Co. 12.
Kel. 26.

he be punished by the advice of the council, notwithstanding the said statutes.

1 & 2 PHILIP & MARY, CAP. 3.—A confirmation of the stat. of 3 *Edward* 1, cap. 34, and 2 *Richard* 2, stat. 1, cap. 5, touching telling of news. Justices of peace in every shire, city, &c. shall have authority to hear and determine the said offences, and to put the said two statutes in execution. If any person shall be convicted or attainted for speaking maliciously of his own imagination, any false, seditious and slanderous news, saying, or tales, of the king or queen, then he shall for his first offence be set on the pillory in some *Market-place* near where the words were spoken, and have both his ears cut off, unless he pay to the queen an hundred pound within one month after judgment given, and also shall be three months imprisoned: and if he shall speak any such slanderous and seditious news or tales of the speaking or report of any other, then he shall be set on the pillory, and have one of his ears cut off, unless he pay an hundred marks to the queen's use within one month after, and shall be one month imprisoned: and if he shall do it by book, rhyme, ballad, letter or writing, he shall have his right hand stricken off. And if any person being once convicted of any of the offences aforesaid, do afterward offend, he shall be imprisoned during his life, and forfeit all his goods and chattels. EXP.

4 & 5 PHILIP & MARY, CAP. 9. Anno 1 & 2 *Philip & Mary*, cap. 3, shall be revived, and made to continue until the last day of the next parliament. EXP.

News.

1 ELIZABETH, CAP. 6.—The penalty mentioned in the stat. of 1 & 2 *Philip & Mary*, cap. 3, for speaking false slanderous news of the king or queen, or for committing any of the offences expressed in the said act, shall be expounded to extend to the queen that now is, and to the heirs of her body. EXP.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT OT A. D. 1844.

PHYSICIANS AND SURGEONS.

3 HENRY 8, CAP. 11.—*An act for the appointing of physicians and surgeons.*—To the king our sovereign lord, and to all the lords spiritual and temporal, and commons, in this present parliament assembled. Forasmuch as the science and cunning of physic and surgery (to the perfect knowledge whereof be requisite both great learning and ripe experience) is daily within this realm exercised by a great multitude of ignorant persons, of whom the greater part have no manner of insight in the same, nor in any other kind of learning; some also can no letters on the book, so far forth, that common artificers, as smiths, weavers, and women, boldly and accustomably take upon them great cures, and things of great difficulty, in the which they partly use sorcery and witchcraft, partly apply such medicines unto the disease as be very noious, and nothingmeet therefore, to the high displeasure of God, great infamy to the faculty, and the grievous hurt, damage, and destruction of many of the king's liege people, most especially of them that cannot discern the uncunning from the cunning: be it therefore (to the surety and comfort of all manner people) by the authority of this present parliament enacted, that no person within the city of *London*, nor within seven miles of the same, take upon him to exercise and occupy as a physician or surgeon, except he be first examined, approved, and admitted by the bishop of *London*, or by the dean of *Pauls* for the time being, calling to him or them four doctors of physic, and for surgery other expert persons in that faculty, and for the first examination such as they shall think convenient, and afterward alway four of them that have been so approved, upon the pain of forfeiture for every month that they do occupy as physicians or surgeons, not admitted nor examined after the tenor of this act, of five pounds to be employed the one half thereof to the use of our sovereign lord the king, and the other half thereof to any person that will sue for it by action of debt, in which no wager of law nor protection shall be allowed.

Inconveniences ensuing by ignorant persons practicing physic or surgery.

By whom every physician and surgeon shall be allowed.
14 & 15 H. 8, c. 5.
34 & 35 H. 8, c. 8.
By 34 & 35 H. 8, c. 3, s. 3. any person understanding herbs, &c. may minister to outward sores, &c.

II. And over this, that no person out of the said city, and precinct of seven miles of the same, except he have been (as is aforesaid) approved in the same, take upon him to exercise and occupy as a physician or surgeon, in any diocese within this realm, but if he be first examined and approved by the bishop of the same diocese, or, he being out of the diocese, by his vicar general; either of them calling to them such expert persons in the said faculties, as their discretion shall think convenient, and giving their letters testimonials under their seal to him that they shall so approve, upon like pain to them that occupy the contrary to this act (as is abovesaid) to be levied and employed after the form before expressed.

A physician or surgeon allowed by the bishop of the diocese.

III. Provided alway, that this act, nor any thing therein contained, be prejudicial to the universities of *Oxford* or *Cambridge*, or either of them, or to any privileges granted to them. *Memoran.*—That

The privileges of *Oxford* and *Cambridge*

saved.
Rast. pla.
f. 426.

surgeons be comprised in this act like as physicians, for like mischief of ignorant persons presuming to exercise surgery.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

PLACES OF RELIGIOUS WORSHIP.

52 GEORGE 3, CAP. 155.—*An act to repeal certain acts, and amend other acts relating to religious worship and assemblies and persons teaching or preaching therein.*—Whereas it is expedient that certain acts of parliament, made in the reign of his late majesty king *Charles* the second, relating to non conformists and conventicles, and refusing to take oaths, should be repealed, and that the laws relating to certain congregations and assemblies for religious worship, and persons teaching, preaching or officiating therein, and resorting thereto, should be amended; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, an act of parliament made in the session of parliament held in the thirteenth and fourteenth years of his late majesty king *Charles* the second, intituled, *an act for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and others refusing to take lawful oaths*; and another act of parliament, made in the seventeenth year of the reign of his late majesty king *Charles* the second, intituled *an act for restraining non conformists from inhabiting in corporations*; and another act of parliament, made in the twenty-second year of the reign of the late king *Charles* the second, intituled *an act to prevent and suppress seditious conventicles*, shall be and the same are hereby repealed.

13 & 14 Car.
2, c. 1.

17 Car. 2, c. 2.

22 Car. 2, c. 1,
repealed.

II. And be it further enacted, that, from and after the passing of this act, no congregation or assembly for religious worship of protestants (at which there shall be present more than twenty persons besides the immediate family and servants of the person in whose house or upon whose premises such meeting, congregation or assembly shall be had) shall be permitted or allowed, unless and until the place of such meeting, if the same shall not have been duly certified and registered under any former act or acts of parliament relating to registering places of religious worship, shall have been or shall be certified to the bishop of the diocese, or to the archdeacon of the archdeaconry, or to the justices of the peace at the general or quarter sessions of the peace for the county, riding, division, city, town or place in which such meeting shall be held; and all places of meeting which shall be so certified to the bishop's or archdeacon's court, shall be returned by such court once in each year to the quarter sessions of the county, riding, division, city, town or place; and all places of meeting which shall be so certified to the quarter sessions of the peace shall be also returned once in each year to the bishop or archdeacon; and all such places shall be registered in the said bishop's or archdeacon's court respectively, and recorded at the said general or quarter sessions; the registrar or clerk of the peace whereof respectively is hereby required to register and record the same; and the bishop or registrar or clerk of the peace to whom any

Places of religious worship certified and registered.

Certificate. such place of meeting shall be certified under this act shall give a certificate thereof to such person or persons as shall request or demand the same, for which there shall be no greater fee nor reward taken than two shillings and sixpence; and every person who shall knowingly permit or suffer any such congregation or assembly as aforesaid to meet in any place occupied by him, until the same shall have been so certified as aforesaid, shall forfeit for every time any such congregation or assembly shall meet contrary to the provisions of this act, a sum not exceeding twenty pounds, nor less than twenty shillings, at the discretion of the justices who shall convict for such offence.

Penalty.

Teaching,
&c. without
consent of
occupiers.

Penalty.

III. Provided always, and be it further enacted, that every person who shall teach or preach in any congregation or assembly as aforesaid, in any place, without the consent of the occupier thereof, shall forfeit for every such offence any sum not exceeding thirty pounds, nor less than forty shillings, at the discretion of the justices who shall convict for such offence.

Preachers in
and persons
resorting to
religious
assemblies,
certified
under act,
exempt from
1 W. & M.
sess. 1, c. 18.

IV. And be it further enacted, that, from and after the passing of this act, every person who shall teach or preach at, or officiate in, or shall resort to any congregation or congregations, assembly or assemblies for religious worship of protestants, whose place of meeting shall be duly certified according to the provisions of this act, or any other act or acts of parliament relating to the certifying and registering of places of religious worship, shall be exempt from all such pains and penalties under any act or acts of parliament relating to religious worship, as any person who shall have taken the oaths, and made the declaration prescribed by or mentioned in an act, made in the first year of the reign of king *William* and queen *Mary*, intituled *an act for exempting their majesty's protestant subjects dissenting from the church of England, from the penalties of certain laws*, or any act amending the said act, is by law exempt, as fully and effectually as if all such pains and penalties, and the several acts enforcing the same, were recited in this act, and such exemptions as aforesaid were severally and separately enacted in relation thereto.

Oaths, &c.
taken by
preachers,
&c. when
required by
magistrate.

19 G. 3, c. 44.

V. Provided always, and be it further enacted, that every person not having taken the oaths and subscribed the declaration hereinafter specified, who shall preach or teach at any place of religious worship certified in pursuance of the directions of this act, shall, when thereto required by any one justice of the peace, by any writing under his hand or signed by him, take and make and subscribe, in the presence of such justice of the peace, the oaths and declarations specified and contained in an act, passed in the nineteenth year of the reign of his majesty king *George* the third, intituled *an act for the further relief of protestant dissenting ministers and schoolmasters*; and no such person who, upon being so required to take such oaths and make such declaration as aforesaid, shall refuse to attend the justice requiring the same, or to take and make and subscribe such oaths and declaration as aforesaid, shall be thereafter permitted or allowed to teach or preach in any such congregation or assembly for religious worship, until he shall have taken such oaths, and made such declaration as aforesaid, on pain of forfeiting, for every time he shall so teach or preach, any sum not exceeding ten pounds nor less than ten shillings, at the discretion of the justice convicting for such offence.

Penalty.

VI. Provided always, and be it further enacted, that no person shall be required by any justice of the peace to go to any greater distance than five miles from his own home, or from the place where he shall be residing at the time of such requisition, for the purpose of taking such oaths as aforesaid.

Not com-
pelled to go
more than
five miles.

VII. And be it further enacted, that it shall be lawful for any of his majesty's protestant subjects to appear before any one justice of the peace, and to produce to such justice of the peace a printed or written copy of the said oaths and declaration, and to require such justice to administer such oaths and to tender such declaration to be made, taken and subscribed by such person; and thereupon it shall be lawful for such justice, and he is hereby authorized and required to administer such oaths and to tender such declaration to the person requiring to take and make and subscribe the same; and such person shall take and make and subscribe such oaths and declaration in the presence of such justice accordingly; and such justice shall attest the same to be sworn before him, and shall transmit or deliver the same to the clerk of the peace for the county, riding, division, city, town or place for which he shall act as such justice of the peace, before or at the next general or quarter sessions of the peace for such county, riding, division, city, town or place.

Who may re-
quire justice
of peace, &c.
to administer
oaths, &c.
under act.

VIII. And be it further enacted, that every justice of the peace before whom any person shall make and take and subscribe such oaths and declaration as aforesaid, shall forthwith give to the person having taken, made and subscribed such oaths and declaration, a certificate thereof under the hand of such justice, in the form following; that is to say,

Justices to
give certifi-
cate of oath.

I *A. B.* one of his majesty's justices of the peace for the county, [riding, division, city or town, or place, as the case may be] of do hereby certify, that *C. D.* of, &c. [describing the christian and surname, and place of abode of the party] did this day appear before me, and did make and take and subscribe the several oaths and declaration specified in an act, made in the fifty-second year of the reign of king *George* the third, intituled [set forth the title of this act.] Witness my hand this day of one thousand eight hundred and

And for the making and signing of which certificate, where the said oaths and declaration are taken and made on the requisition of the party taking and making the same, such justice shall be entitled to demand and have a fee of two shillings and sixpence, and no more: and such certificate shall be conclusive evidence that the party named therein has made and taken the oaths and subscribed the declaration in manner required by this act.

Fee.

Certificate
evidence.

IX. And be it further enacted, that every person who shall teach or preach in any such congregation or assembly, or congregations or assemblies as aforesaid, who shall employ himself solely in the duties of a teacher or preacher, and not follow or engage in any trade or business, or other profession, occupation or employment, for his livelihood, except that of a schoolmaster, and who shall produce a certificate of some justice of the peace, of his having taken and made and subscribed the oaths and declaration aforesaid, shall be exempt from the civil services and offices specified in the said recited act

Teachers
taking oaths,
&c. exempt
from offices,
and from
militia.

Sess. 1, c. 18. passed in the first year of king *William* and queen *Mary*, and from being ballotted to serve and from serving in the militia or local militia of any county, town, parish or place in any part of the united kingdom.

False certificate.

Penalty.

Doors of religious assemblies not bolted or barred.

Penalty.

Disturbing religious assemblies.

Recognizance.
Penalty.

Proviso for ecclesiastical jurisdiction of the church

X. And be it further enacted, that every person who shall produce any false or untrue certificate or paper, as and for a true certificate of his having made and taken the oaths and subscribed the declarations by this act required for the purpose of claiming any exemption from civil or military duties as aforesaid, under the provisions of this or any other act or acts of parliament, shall forfeit for every such offence the sum of fifty pounds; which penalty may be recovered by and to the use of any person who will sue for the same by any action of debt, bill, plaint or information in any of his majesty's courts of record at *Westminster*, or the courts of great sessions in *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham* (as the case shall require); wherein no essoin, privilege, protection or wager of law, or more than one imparlance shall be allowed.

XI. And be it further enacted, that no meeting, assembly or congregation of persons for religious worship, shall be had in any place with the door locked, bolted or barred, or otherwise fastened, so as to prevent any persons entering therein during the time of any such meeting, assembly or congregation; and the person teaching or preaching at such meeting, assembly or congregation, shall forfeit for every time any such meeting, assembly or congregation shall be held with the door locked, bolted, barred or otherwise fastened as aforesaid, any sum not exceeding twenty pounds, nor less than forty shillings, at the discretion of the justices convicting for such offence.

XII. And be it further enacted, that if any person or persons, at any time after the passing of this act, do and shall wilfully and maliciously or contemptuously disquiet or disturb any meeting, assembly or congregation of persons assembled for religious worship, permitted or authorized by this act, or any former act or acts of parliament, or shall in any way disturb, molest or misuse any preacher, teacher or person officiating at such meeting, assembly or congregation, or any person or persons there assembled, such person or persons so offending, upon proof thereof, before any justice of the peace by two or more credible witnesses, shall find two sureties to be bound by recognizances in the penal sum of fifty pounds to answer for such offence, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence at the said general or quarter sessions, shall suffer the pain and penalty of forty pounds.

XIII. Provided always, and be it further enacted, that nothing in this act contained shall affect or be construed to affect the celebration of divine service according to the rites and ceremonies of the united church of *England* and *Ireland*, by ministers of the said church, in any place hitherto used for such purpose, or being now or hereafter duly consecrated or licensed by any archbishop or bishop or other person lawfully authorized to consecrate or license the same, or to affect the jurisdiction of the archbishops or bishops or other persons exercising lawful authority in the church of the united

kingdom over the said church, according to the rules and discipline of the same, and to the laws and statutes of the realm; but such jurisdiction shall remain and continue as if this act had not passed.

XIV. Provided also, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to the people usually called *Quakers*, nor to any meetings or assemblies for religious worship held or convened by such persons; or in any manner to alter or repeal or affect any act, other than and except the acts passed in the reign of king *Charles* the second hereinbefore repealed, relating to the people called *Quakers*, or relating to any assemblies or meetings for religious worship held by them.

Act not to
extend to
Quakers.

XV. And be it further enacted, that every person guilty of any offence, for which any pecuniary penalty or forfeiture is imposed by this act, in respect of which no special provision is made, shall and may be convicted thereof by information upon the oath of any one or more credible witness or witnesses before any two or more justices of the peace acting in and for the county, riding, city or place wherein such offence shall be committed; and that all and every the pecuniary penalties or forfeitures which shall be incurred or become payable for any offence or offences against this act, shall and may be levied by distress under the hand and seal or hands and seals of two justices of the peace for the county, riding, city or place, in which any such offence or offences was or were committed, or where the forfeiture or forfeitures was or were incurred, and shall when levied be paid one moiety to the informer, and the other moiety to the poor of the parish in which the offence was committed; and in case of no sufficient distress whereby to levy the penalties, or any or either of them imposed by this act, it shall and may be lawful for any such justices respectively before whom the offender or offenders shall be convicted, to commit such offender to prison for such time not exceeding three months, as the said justices in their discretion shall think fit.

Offenders
convicted be-
fore two or
more justices

Forfeitures
levied by dis-
tress.

Imprison-
ment.

XVI. And be it further enacted, that in case any person or persons who shall hereafter be convicted of any of the offences punishable by this act, shall conceive him, her or themselves to be aggrieved by such conviction, then and in every such case it shall and may be lawful for such person or persons respectively, and he, she or they shall or may appeal to the general or quarter sessions of the peace holden next after such conviction in and for the county, riding, city or place, giving unto the justices before whom such conviction shall be made, notice in writing within eight days after any such conviction, of his, her or their intention to prefer such appeal; and the said justices in their said general or quarter sessions shall and may, and they are hereby authorized and empowered to proceed to the hearing and determination of the matter of such appeal, and to make such order therein, and to award such costs to be paid by and to either party, not exceeding forty shillings, as they in their discretion shall think fit.

Appeal after
conviction to
general or
quarter ses-
sions.

XVII. And be it further enacted, that no penalty or forfeiture shall be recoverable under this act, unless the same shall be sued for, or the offence in respect of which the same is imposed is prosecuted before the justices of the peace or quarter sessions, within

Limitation of
prosecution.

six months after the offence shall have been committed; and no person who shall suffer any imprisonment for nonpayment of any penalty shall thereafter be liable to the payment of such penalty or forfeiture.

Limitation of actions.

General issue.

Treble costs.

Public act.

XVIII. And be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this act, that every such action or suit shall be commenced within three months next after the fact committed, and not afterwards, and shall be laid and brought in the county wherein the cause or alleged cause of action shall have accrued, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence on any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to be done, or if any such action or suit shall be brought after the time so limited for bringing the same, or shall be brought in any other county, city or place, that then and in such case the jury shall find for such defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

XIX. And be it further enacted, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices and others, without specially pleading the same.

7 & 8 VICTORIA, CAP. 45.—*An act for the regulation of suits relating to meeting houses and other property held for religious purposes by persons dissenting from the united church of England and Ireland.*—

1 W. & M.
sess. 1, c. 18.

19 G. 3, c. 44.

53 G. 3, c. 160.

6 G. 1, (I.)

57 G. 3, c. 70.

Whereas an act was passed in the first session of the first year of the reign of king *William* and queen *Mary*, intituled *an act for exempting their majesties' protestant subjects dissenting from the church of England from the penalties of certain laws*: and whereas an act was passed in the nineteenth year of the reign of king *George* the third, intituled *an act for the further relief of protestant dissenting ministers and schoolmasters*: and whereas an act was passed in the fifty-third year of the reign of king *George* the third, intituled *an act to relieve persons who impugn the doctrine of the holy Trinity from certain penalties*: and whereas an act was passed by the parliament of *Ireland* in the sixth year of the reign of his majesty king *George* the first, intituled *an act for exempting the protestant dissenters of this kingdom from certain penalties to which they are now subject*: and whereas an act was passed in the fifty-seventh year of the reign of king *George* the third, intituled *an act to relieve persons impugning the doctrine of the holy Trinity from certain penalties in Ireland*: and whereas prior to the passing of the said recited acts respectively, as well as subsequently thereto, certain meeting houses for the worship of God, and *Sunday* or day schools (not being grammar schools), and other charitable foundations, were founded or used in *England*

and *Wales* and *Ireland* respectively for purposes beneficial to persons dissenting from the church of *England* and the church of *Ireland* and the united church of *England* and *Ireland* respectively, which were unlawful prior to the passing of those acts respectively, but which by those acts respectively were made no longer unlawful: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that with respect to the meeting houses, schools, and other charitable foundations so founded or used as aforesaid, and the persons holding or enjoying the benefit thereof respectively, such acts, and all deeds or documents relating to such charitable foundations, shall be construed as if the said acts had been in force respectively at the respective times of founding or using such meeting houses, schools, and other charitable foundations as aforesaid.

Recited acts, as well as all deeds relating to such meeting houses, &c., to be construed as if the acts had been in force at the time of the foundation of such meeting houses, &c.

II. And be it enacted, that so far as no particular religious doctrines or opinions, or mode of regulating worship, shall on the face of the will, deed, or other instrument declaring the trusts of any meeting house for the worship of God by persons dissenting as aforesaid, either in express terms, or by reference to some book or other document as containing such doctrines or opinions or mode of regulating worship, be required to be taught or observed or be forbidden to be taught or observed therein, the usage for twenty-five years immediately preceding any suit relating to such meeting house of the congregation frequenting the same shall be taken as conclusive evidence that such religious doctrines or opinions or mode of worship as have for such period been taught or observed in such meeting house may properly be taught or observed in such meeting house, and the right or title of the congregation to hold such meeting house, together with any burial ground, *Sunday* or day school, or minister's house attached thereto; and any fund for the benefit of such congregation, or of the minister or other officer of such congregation, or of the widow of any such minister, shall not be called in question on account of the doctrines or opinions or mode of worship so taught or observed in such meeting house: provided nevertheless, that where any such minister's house, school, or fund as aforesaid shall be given or created by any will, deed, or other instrument, which shall declare in express terms, or by such reference as aforesaid, the particular religious doctrines or opinions for the promotion of which such minister's house, school, or fund is intended, then and in every such case such minister's house, school, or fund shall be applied to the promoting of the doctrines or opinions so specified, any usage of the congregation to the contrary notwithstanding.

The religious doctrines or opinions for the preaching or promotion of which the meeting house may be held, to be collected from twenty-five years usage, where not expressly stated in the deed of trust

III. Provided always, and be it enacted, that nothing herein contained shall affect any judgment, order or decree already pronounced by any court of law or equity; but that in any suit which shall be a suit by information only and not by bill, and wherein no decree shall have been pronounced, and which may be pending at the time of the passing of this act, it shall be lawful for any defendant or defendants for whom the provisions of this act would have afforded a valid defence if such suit had been commenced after the passing of this act to apply to the court wherein such suit shall

Act not to affect any judgment, &c. of a court of law or equity, and court may give defendants the benefit of act in suits now pending

be pending; and such court is hereby authorized and required, upon being satisfied by affidavit or otherwise that such suit is so within the operation of this act, to make such order therein as shall give such defendant or defendants the benefit of this act; and in all cases in which any suit now pending shall be stayed or dismissed in consequence of this act, the costs thereof shall be paid by the defendants, or out of the property in question therein, in such manner as the court shall direct.

SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

PLURALITIES.

21 HENRY 8, CAP. 13.—*Spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.*—For the more quiet and virtuous increase and maintenance of divine service, the preaching and teaching the word of God, with godly and good example giving, the better discharge of curates, the maintenance of hospitality, the relief of poor people, the increase of devotion, and good opinion of the lay-fee toward the spiritual persons: be it enacted, ordained, and established by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that no spiritual persons, secular or regular, of what degree soever he or they be, shall from henceforth take to farm to himself, or to any person or persons to his use, of the lease or grant of the king our sovereign lord, nor of any other person or persons, by letters patents, indentures, writings, by words or otherwise, by any manner of means, any manors, lands, tenements, or other hereditaments for term of life, for term of years, or at will, upon pain to forfeit ten pounds for every month that he, or any other to his use, shall occupy any such farm, by reason of any such lease or grant hereafter to be made; the one half of which forfeiture to be to the king our sovereign lord, and the other half thereof to every such person that will sue for the same by original writ, bill, or plaint of debt, or by any information in any of the king's courts; in which action and suit no wager of law shall be admitted for the defendant, nor any essoin or protection allowed.

The several benefits ensuing the performance of this statute.

Savil 22.
Hob. 157.
2 Roll 480.
3 Leon. 122.

No spiritual person shall take any lands to farm
2 Bulstr. 18.
1 Lutw. 134.

II. And be it also enacted by the authority aforesaid, that all and every such spiritual person or persons which now have, or occupy in farm, by themselves, or by any other to their use, any manors, lands, tenements, or hereditaments, of the lease or grant of the king our sovereign lord, or any other person or persons, for term of life, or for years, or at will, by any writing or otherwise, or that now have any annual rents, or other annual advantage, or profit, by occasion or colour of any such lease or farm, shall clearly bargain, sell, give, or grant away on this side the feast of *Saint Michael* the archangel next coming, to any such lay person or persons, as they will at their own nominations and appointment, all such lease, term, interest, and profit, as any such spiritual person, or any other to his use, now hath or have, in or by reason of any such farm; so that in nowise any such spiritual person or persons at any time after the same feast, by themselves, or any other to their use, by any manner of means, fraud, or male engine, shall have, use, or occupy in farm, any manors, lands, tenements, or hereditaments, of the demise, lease, or grant of any person or persons heretofore made, or hereafter to be made, to themselves, or to any other to their uses; nor from the said feast shall take any annual rent, or other annual advantage or profit, by occasion or colour of any such lease or farm by any manner of

The spiritual person which hath any farm or profit out of farm, shall alien it forthwith.

Dyer, f. 351.

27 H. 8, f. 23. means, upon pain to forfeit for every month so occupying any such farm, at any time after the said feast contrary to this present act, ten pounds, and upon pain to forfeit ten times as much as any such spiritual person, or any to his use, shall take in any annual rent, advantage, or profit, by occasion or colour of any such lease, at any time after the said feast; the one half of which forfeitures to be to the king our sovereign lord, and the other half to him that will sue for the same by original writ, bill, or plaint of debt, or by information in any of the king's courts; in which action and suit no wager of law shall be admitted for the defendant, nor any essoin or protection allowed.

Leases made to spiritual persons, or to others to their use, shall be void.

III. And be it also enacted, that all such leases made, or hereafter to be made, unto any such spiritual person or persons, or to any other to their use, for term of life, term of years, or at will, of any manors, lands, tenements, or hereditaments, whereof they, or any of them, shall take any profit or meddling by themselves, or by any to their use, after the said feast of *Saint Michael*, by colour of any such lease or grant, and not by them bargained, granted, and sold away before the said feast, as is before limited, shall from henceforth be utterly void, and of none effect, as well against the lessor or lessors, grantor and grantors, their heirs and assigns, and against every of them, as against the lessee or lessees, and their executors and assigns, and every of them.

In some cases a spiritual person may take to farm the temporalities of a bishop, &c.

IV. Provided alway, that this present act shall not extend to any spiritual person or persons, in and for taking to farm any temporalities, during the time of vacations of any archbishoprics, bishoprics, abbeys, priories, or other collegiate, cathedral, or conventual churches, nor to any spiritual person or persons that shall tender or make any traverse upon any offices or office, concerning his or their freehold.

No spiritual person shall buy to sell again any merchandize, corn, cattle, &c.

V. And be it also enacted by the authority aforesaid, that no spiritual person or persons, secular or regular, of what estate or degree soever they be, shall from henceforth by himself, nor by any other for him, nor to his use, bargain and buy to sell again for any lucre, gain, or profit, in any markets, fairs, or other places, any manner of cattle, corn, lead, tin, hides, leather, tallow, fish, wool, wood, or any manner of victual or merchandize, what kind soever they be of, upon pain to forfeit treble the value of every thing, by them, or by any to their use, bargained and bought to sell again, contrary to this present act; and that every such bargain and contract hereafter to be made by them, or by any to their use, contrary to this act, shall be utterly void, and of none effect; and the one half of every such forfeiture to be to the king our sovereign lord, and the other half to him that will sue for the same by original writ of debt, bill, plaint, or information in any of the king's courts; in which action or suit no wager of law for the defendant shall be admitted, nor any essoin nor protection allowed.

In what case a spiritual person may sell again the things which he hath bought.

VI. Provided alway, that if any such spiritual person or persons shall happen hereafter without fraud or covin to buy any horses, mares, or mules, to the only intent to occupy for himself or his servants, to ride to and fro upon his necessary business, or any other cattles or goods, to the only intent and purpose at the buying thereof to be employed and put in and about his necessary apparel

of his own house, or of his person and servants, or in, for, and about the only occupying, manuring, or tillage of his own glebe or demesne lands annexed to his church, or for the necessary expenses of his own household keeping, and after the buying of any such horses, cattles, or goods, or exercise of them, or any of them, happeneth to mislike any of them that they should not be good, profitable, nor convenient for any of the purposes abovesaid, for the which they were bought; that then every such spiritual person or persons may lawfully bargain and put away such things so by him bought, without fraud or covin, for any of the purposes abovesaid at his pleasure and advantage; this act or any thing therein contained notwithstanding.

VII. Provided alway, that all abbots, priors, abbesses, prioresses, provosts, presidents, masters of colleges and hospitals, and all other spiritual governors and governesses of any spiritual monasteries, or houses of religion, by what name or names soever they be called, having manors, lands, tenements, and hereditaments, and other yearly profits in the right of their monasteries or houses, of the yearly value of eight hundred marks, or under, and not above, may use and occupy as much and as many of their demesne lands, fee-farms, and farms, to their most advantage, commodity, and profit, to and for the only maintenance of their households and hospitalities, in as ample and large manner as they or any of them, or their predecessors, or the predecessors of any of them, at any time by the space of one hundred years last past before the making of this act have done, used, and occupied; any thing in this present act to the contrary notwithstanding.

Certain houses of religion may keep demesne lands in their hands for the maintenance of their houses.

VIII. Provided also, that every other spiritual person or persons, not having sufficient glebe or demesne lands in their own hands in the right of their churches, monasteries, and houses for pasturage of cattle, or for increase of corn, to and for the only expenses of their householders, and for their carriages or journies, may take in farm other lands, and buy and sell corn and cattle for the only manurance, tillage, and pasturage of such farms, so that the increase thereof be alway employed and put to and for the only expenses in their households and hospitalities, and not in anywise to buy and sell again for any other commodity, lucre, or advantage, any corn or cattle, renewing, coming, or growing in and upon any such farm or otherwise, but only the remain and overplus above their expenses of their households, if any such shall happen, of the breed and increase thereof, without fraud or covin; any thing in this present act to the contrary hereof notwithstanding.

Spiritual persons may take in farm for the maintenance of their houses. 2 Bulstr. 18. Savil 32.

IX. And be it enacted by the authority aforesaid, that if any person or persons having one benefice with cure of soul, being of the yearly value of eight pound or above, accept and take any other with cure of soul, and be instituted and inducted in possession of the same, that then and immediately after such possession had thereof, the first benefice shall be adjudged in the law to be void.

The penalty of pluralities Cro. El. 601, 853. 1 Leon. 316. March 84. Co. pl. f. 368, 511 b. Moor 434.

X. And that it shall be lawful to every patron, having the advowson thereof, to present another, and the presentee to have the benefit of the same, in such like manner and form as though the incumbent had died or resigned; any licence, union, or other

Cro. El. 351, 601, 853. Dyer 237, 255, 347, 351, 377. 4 Co. 75, 78, b.

24 Ed. 3, f. 39. dispensation to the contrary hereof obtained notwithstanding. And
 Vaughn 131. that every such licence, union, or dispensation had, or hereafter to
 2 Roll 451. be obtained contrary to this present act, of what name or names,
 F. N. B. 44 H. quality or qualities, soever they be, shall be utterly void, and of
 51 L. none effect.
 Golds. 162, pl. 97.

Any dispen-
 sation con-
 trary to this
 statute shall
 be void.
 Dyer 352.
 Savil 136.
 25 H. 8, c. 21.
 Repealed by
 1 & 2 P. & M.
 c. 8, s. 4.
 Dyer 347.

XI. And if any person or persons at any time after the first day of *April*, in the year of our Lord God one thousand five hundred and thirty, contrary to this act, procure and obtain at the court of *Rome*, or elsewhere, any licence or licences, union, toleration or dispensation, to receive and take any more benefices with cure than is above limited, or else at any time after the said day put in execution any such licence, toleration, or dispensation, before that obtained contrary to this act, that then every such person or persons, so after the said day suing for himself, or receiving and taking such benefice by force of such licence or licences, union, toleration, or dispensation, that is to say, the same person or persons only and none other, shall for every such default incur the danger, pain, and penalty, of twenty pounds sterling, and also lose the whole profits of every such benefice or benefices as he receiveth or taketh by force of any such licence or licences, union, toleration, or dispensation; the one half of which forfeiture to be to the king our sovereign lord, and the other half thereof to him that will sue for the same by original writ, bill, plaint of debt, or information in any of the king's courts; in which action and suit no wager of law, essoin, or protection for the defendant, shall be admitted or allowed.

They may
 keep their
 benefices,
 which were
 thereof pos-
 sessed anno
 1530, (except
 they have
 above four.

XII. Provided always, that this act concerning the not keeping of more benefices with cure of souls than one, extend, nor be prejudicial to any person or persons, which at any time before the said first day of *April*, in the year of our Lord God one thousand five hundred and thirty, shall be really entitled or possessed of any such benefices with cure of soul, as concerning or touching any of the same benefices, whereof they shall then be already really entitled or possessed before the said day, to or under the number of four, and not above; and if any such spiritual person or persons so being entitled or possessed of more benefices with cure of soul than four, do not by the said first day of *April* clearly, and without yearly pension, resign, or otherwise give up all and every such benefice and benefices as he shall be so entitled and possessed of, above the said number, that then it shall be lawful for every patron, having the advowson of any such benefice, over the number aforesaid, to present another, and the presentee to have the benefit of the same, in like manner and form as though it had been void by death, or resignation of the incumbent; any licence, union, or other dispensation to the contrary hereof obtained notwithstanding; and this clause of presentation to be taken and understood in and of such benefices with cure of soul, as were given to any such spiritual person, after the said number of four benefices with cure furnished and fulfilled.

1 Roll 456,
 460, 464, 469,
 472.
 Godbolt 41,
 pl. 47, 153,
 201.
 Cro. El. 424.
 Regist, 58 b.

Who may
 purchase
 licences,
 and have
 more bene-

XIII. Provided also, that all spiritual men now being, or which hereafter shall be of the king's council, may purchase licence or dispensation, and take, receive, and keep three parsonages, or benefices, with cure of soul; and that all other being the king's chaplains,

and not sworn of his council, the chaplains of the queen, prince, or princess, or of any of the king's children, brethren, sisters, uncles, or aunts, may semblably purchase licence, or dispensation, and retain and keep two parsonages and benefices with cure of soul. benefices with cure of souls than one. 13 Co. 5.

XIV. And in like wise, that every archbishop and duke may have six chaplains, whereof every one shall and may purchase licence or dispensation, and take, receive, and keep two parsonages or benefices with cure of soul.

XV. And that every marquis, and earl, may have five chaplains, whereof every one may purchase licence or dispensation, and take, receive, and keep two parsonages or benefices with cure of soul.

XVI. And that every viscount, and other bishop, may have four chaplains, whereof every one may purchase licence, and receive, have, and keep two parsonages or benefices with cure of soul, as is aforesaid.

XVII. And that the chancellor of *England* for the time being, and every baron, and knight of the garter, may have three chaplains, whereof every one shall now purchase licence or dispensation, and receive, have, and keep two parsonages or benefices with cure of soul. 4 Co. 90, 119.

XVIII. And that every duchess, marchioness, countess, and baroness, being widows, may have two chaplains, whereof every one of them may purchase licence or dispensation, to receive, have, and keep two benefices with cure of soul. Co. pl. 203, 513. Cro. El. 723.

XIX. And that the treasurer, and comptroller of the king's house, the king's secretary, and dean of his chapel, the king's amner, and the master of the rolls, may have every of them two chaplains; and the chief justice of the king's bench one chaplain; and the warden of the five ports for the time being, one chaplain; whereof every one may purchase licence, and receive, have, and keep two parsonages or benefices with cure of soul. 4 Co. 73, 89, 117.

XX. And that the brethren and sons of all temporal lords, which are born in wedlock, may every of them purchase licence or dispensation, and receive, have, and keep as many parsonages or benefices with cure, as the chaplains of a duke, or an archbishop. 1 Anders. 200.

XXI. And likewise the brethren and sons born in wedlock of every knight, may every of them purchase licence or dispensation, and receive, take, and keep two parsonages or benefices with cure of soul.

XXII. Provided always, that the said chaplains so purchasing, taking, receiving, and keeping benefices with cure of soul, as is aforesaid, shall be bound to have and exhibit, where need shall be, letters under the sign and seal of the king, or other their lord and master, testifying whose chaplains they be, and else not to enjoy any such plurality of benefices by being such chaplain, any thing in this act notwithstanding. The chaplains shall shew the letters of their lords or masters.

XXIII. Be it also provided, that all doctors, and bachelors of divinity, doctors of law, and bachelors of the law canon, and every of them, which shall be admitted to any of the said degrees by any of the universities of this realm, and not by grace only, may purchase licence, and take, have, and keep two parsonages or benefices with cure of soul; so that always the said liberty, by any of the provisions aforesaid given to any of the said counsellors, chaplains, Doctors and bachelors of divinity and law may by dispensation have two benefices with cure.

No dispensa-
tion can li-
cence any to
have above
two benefices

Every arch-
bishop may
have eight
chaplains,
and every
bishop four.

Advance-
ment to more
benefices
than be ap-
pointed by
this act.
Savil 79, 101.
Co. pl. f. 515.
Moor 561, pl.
763.
Moor 540, pl.
712.
Moor 542, pl.
719.
Rast. pla. f.
599.
Savil 32, 135.
2 Roll 90.

What shall
be adjudged
non-resi-
dence, and
the penalty
thereof.
Cro. El. 590,
663, 719.
Cro. Car. 146,
6 Co. 21.
1 Lutw. 138.

The penalty
for procuring
of dispensa-
tions to be
non-resident

and other persons before specified, to purchase licence or dispensa-
tion, and take, receive, and keep more benefices than one, after the
manner and form aforesaid, be taken and understood to extend in
number to no more benefices with cure of soul, than is above limited,
accounting in the same, and as parcel thereof, such benefices with
cure of soul, as any the said persons shall have in real title, or in
their possession, at the said first day of *April* in the year of our Lord
one thousand five hundred and thirty.

XXIV. Provided also, that every archbishop, because he must
occupy eight chaplains at consecrations of bishops, and every bishop,
because he must occupy six chaplains at giving of orders, and con-
secration of churches, may every of them have two chaplains over
and above the number above limited unto them, whereof every one
may purchase licence and dispensation, and take, receive, and keep
as many parsonages and benefices with cure of soul, as is before
assigned to such chaplains.

XXV. Provided also, and be it enacted by authority aforesaid,
that no person or persons, to whom any number of chaplains, or any
chaplain, by any of the provisions aforesaid is limited, shall in any
wise, by colour of any of the same provisions, advance any spiritual
person or persons, above the number to them appointed, to receive
or keep any more benefices with cure of soul, than is above limited
by this act, any thing specified in the said provisions notwith-
standing; and if they do, then every such spiritual person and
persons, so advanced above the said number, to incur the pain and
penalty contained in this act.

XXVI. Be it also further enacted by the authority aforesaid, that
as well every spiritual person now being promoted to any archdea-
conry, deanery, or dignity in any monastery, or cathedral church, or
other church, conventual or collegiate, or being beneficed with any
parsonage or vicarage, as all and every spiritual person and persons,
which hereafter shall be promoted to any of the said dignities or
benefices, with any parsonage or vicarage, from the feast of *Saint
Michael* the archangel next coming, shall be personally resident, and
abiding in, at, and upon his said dignity, prebend, or benefice, or at
one of them at the least; and in case that any such spiritual person
at any time after the said feast, keep not residence at one of his said
dignities, prebends, or benefices, as is aforesaid, but absent himself
wilfully by the space of one month together, or by the space of two
months, to be accounted at several times in any one year, and make
his residence and abiding in any other places by such time, that
then he shall forfeit for every such default ten pounds sterling; the
one half thereof to the king our sovereign lord, and the other half of
the same to the party that will sue for the same in any of the king's
courts by original writ of debt, bill, plaint, or information; in which
action and suit the defendant shall not wage his law, nor have any
essoin or protection allowed.

XXVII. And if any person or persons procure or obtain at the
court of *Rome*, or elsewhere, any manner of licence or dispensation
to be non-resident at their said dignities, prebend, or benefices, con-
trary to this act, that then every such person or persons putting in
execution any such dispensation or licence for himself, from the said

first day of *April*, in the year of our Lord God one thousand five hundred and thirty, shall run and incur in the penalty, damage, and pain of twenty pounds sterling for every time so doing, to be forfeited and recovered as is abovesaid, and such licence or dispensation so procured, or to be put in execution, to be void and of none effect.

XXVIII. Provided alway, that this act of non-residence shall not in anywise extend, nor be prejudicial to any such spiritual person as shall chance to be in the king's service beyond the sea, nor to any person or persons going to any pilgrimage or holy place beyond the sea, during the time that they shall so be in the king's service, or in their pilgrimages going and returning home; nor to any scholar or scholars being conversant and abiding for study, without fraud or covin, at any university within this realm, or without; nor to any of the chaplains of the king's or queen's, daily or quarterly attending and abiding in the king's or queen's most honorable households; nor to any of the chaplains of the prince or princess, or any of the king's or queen's children, brethren, or sisters, attending daily in their honorable households, during so long as they shall attend in any of their said households; nor to any chaplain of any archbishop or bishop, or of any spiritual or temporal lords of the parliament, daily attending, abiding, and remaining in any of their honorable households; nor to any chaplain of any duchess, marquess, countess, viscountess, or baroness, attending daily, and abiding in any of their honorable households; nor to any chaplain of the lord chancellor or treasurer of *England*, the king's chamberlain, or steward of his household for the time being, the treasurer and comptroller of the king's most honorable household for the time being, attending daily in any of their honorable households; nor to any chaplain of any of the knights of the honorable order of the garter, or of the chief justice of the king's bench, warden of the ports, or also of the master of the rolls; nor to any chaplain of the king's secretary, and dean of the chapel, amner for the time being, daily attending and dwelling in any their households, during the time that any such chaplain or chaplains shall abide and dwell, without fraud or covin, in any of the said honorable households; nor to the master of the rolls, or dean of the arches, nor to any chancellor or commissary of any archbishop or bishop; nor to as many of the twelve masters of the chancery, and twelve advocates of the arches, as be or hereafter shall be spiritual men, during so long time as they shall occupy their said rooms and offices; nor to any such spiritual persons as shall happen by injunction of the lord chancellor, or the king's council, to be bound to any daily appearance and attendance to answer to the law, during the time of such injunction.

XXIX. Provided also, that it shall be lawful to every spiritual person or persons, being chaplains to the king our sovereign lord, to whom it shall please his highness to give any benefices or promotions spiritual, to what number soever it be, to accept and take the same, without incurring the danger, penalty, and forfeiture in this statute comprised; and that also it shall be lawful to the king's highness, to give licence to every of his own chaplains for non-residence upon their benefices; any thing in this present act contained to the contrary notwithstanding.

28 H. 8, c. 13.
What spiritual persons may be discharged of residence, and by what means.
25 H. 8, c. 16.
33 H. 8, c. 28.

See 25 H. 8, c. 16, as to the chaplains of judges or of the attorney or solicitor general; and 28 H. 8, c. 13, s. 2, as to students in either university; and 33 H. 8, c. 28, as to chaplains of the officers of the duchy of Lancaster, &c.

The king's licence of non-residence.

No spiritual person beneficed with cure shall take in farm any parsonage or vicarage.

XXX. And be it further enacted by the authority aforesaid, that no spiritual person, secular or regular, beneficed with cure, as is afore rehearsed, from the feast of *Saint Michael* the archangel next coming, by authority of any manner licence, dispensation, or otherwise, shall take any particular stipend, or salary to sing for any soul, nor have nor occupy by himself, or by any other to his use, any parsonage or vicarage in farm, of the lease or grant of any person or persons, nor take any profit or rent out of any such farm, upon pain to forfeit forty shillings for every such week that he, or any to his use, shall occupy or have any such stipend to farm contrary to this present act, and upon pain to lose ten times the value of such profit or rent as he shall take out of any such farm after the said feast; the one half of such forfeitures to be to the king our sovereign lord, and the other moiety to him that will sue for the same by original writ, bill, plaint of debt, or by information in any of the king's courts, in which suit and action no wager of law shall be admitted for the defendant, nor any essoin or protection allowed.

Promotions not accounted benefices with cure. 3 Inst. 155.

XXXI. Provided alway, that no deanery, archdeaconry, chancellorship, treasurer'ship, chanter'ship, or prebend in any cathedral or collegiate church, nor parsonage that hath a vicar indue'd, nor any benefice perpetually appropriate, be taken or comprehended under the name of benefice having cure of soul in any article afore specified.

No spiritual person shall keep a tan-house or brew house.

XXXII. Provided also, and be it enacted by the authority aforesaid, that no spiritual person or persons, regular or secular, of what estate, degree, or condition soever he or they be, from the first day of *April* next coming, have, use, or keep by him or themselves, or by any person or persons to his or their use or commodity, any manner of tan house or tan houses, to be used or occupied to his or their own use, commodity, or behoof; nor from the said first day of *April* next coming, shall have, use, or keep any manner of brew house, or brew houses, to any other use, intent, or behoof, than only to be spent and occupied in his or their own houses, upon pain to forfeit for every month so using and occupying any of the said mysteries or occupations, ten pounds. The one moiety thereof to the king our sovereign lord, and the other moiety to him that will sue for the same by original writ, bill, plaint of debt, or information in any of the king's courts, in which action and suit no wager of law shall be admitted for the defendant, nor any essoin or protection allowed.

The chaplains of a duchess, &c. which have taken husbands.

XXXIII. Provided always, that every duchess, marquess, countess, baroness, widows, which have taken, or that hereafter shall take any husbands under the degree of a baron, may take such number of chaplains, as is above limited to them being widows; and that every such chaplain may purchase licence to have and take such number of benefices with cure of soul, and have like liberty of non-residence, in manner and form as they might have done, if their said ladies and mistresses had kept themselves widows; any thing in this present act contained to the contrary notwithstanding.

Spiritual persons may keep sufficient of their own land to

XXXIV. Provided always, that every spiritual person or persons having lands, tenements, or other possessions in the right of their houses, above the yearly value of eight hundred marks, may keep and retain in their occupation and manurance, as much of their said

lands and tenements, and other possessions, as shall be necessary and sufficient for pasturage of their cattle, and for tillage of corn, to be employed and spent for the only maintenance, sustentation, and keeping of his or their households and hospitalities, without fraud or covin; any thing in this present act to the contrary thereof notwithstanding.

XXXV. Provided alway, that it may be lawful to every spiritual person or persons to take in farm any messes, mansions, or dwelling houses, having but only orchards or gardens, in any city, borough, and town, for their own habitation or dwelling, any thing in this act to the contrary notwithstanding; so that no person spiritual, other than be above provided for, for their non-residence, have any liberty of non-residence by colour of this proviso.

A spiritual person may take a dwelling house with an orchard or garden for his dwelling Goldsb. 169. pl. 100. 3 Cro. 590.

25 HENRY 8, CAP. 21.—*The act concerning peter-pence and dispensations.*—See Title—"DISPENSATIONS FROM ROME ABOLISHED," vol. ii. p. 515.

1 & 2 PHILIP & MARY, CAP. 8.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 126.

1 ELIZABETH, CAP. 1.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 144.

41 GEORGE 3, CAP. 102.—*An act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms.*—See Title—"FARMS HELD BY SPIRITUAL PERSONS," vol. iii. p. 96.

42 GEORGE 3, CAP. 30.—*An act to continue, until the twenty-fifth day of July one thousand eight hundred and two, an act made in the last session of parliament, intituled, an act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms.*

41 G.3,(U.K.) c. 102.

42 GEORGE 3, CAP. 86, SEC 1.—*An act to continue, until the eighth day of April one thousand eight hundred and three, an act passed in the last session of parliament for staying proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and of taking of farms; and also to stay proceedings in actions under an act of the thirteenth year of queen Elizabeth, touching leases of benefices, and other ecclesiastical livings, with cure.*—Whereas an act passed in the present session of parliament, intituled *an act to continue, until the twenty-fifth day of July one thousand eight hundred and two, an act, made in the last session of parliament, intituled, an act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms*: and whereas it is expedient that all such proceedings should

Recital of c. 30 of this session, (continuing 41 G.3,(U.K.) c. 102.)

41 G. 3, c. 102,
shall con-
tinue in force
till April 8,
1803.

be stayed for a further period of time: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said act, passed in the forty-first year of the reign of his present majesty, intituled, *an act to stay until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms*, shall remain and continue in full force until the eighth day of April one thousand eight hundred and three; and that all proceedings which shall have been, and which may hereafter be stayed under the said recited act, and the said act of the last session of parliament, and this act, shall remain and continue stayed until the said eighth day of April one thousand eight hundred and three.

43 GEORGE 3, CAP. 34.—*An act to continue, until the eighth day of July one thousand eight hundred and three, an act made in the forty-second year of the reign of his present majesty, intituled an act to continue, until the eighth day of April one thousand eight hundred and three, an act passed in the last session of parliament, for staying proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and of taking of farms; and also to stay proceedings in actions under the act of the thirteenth year of queen Elizabeth, touching leases of benefices, and other ecclesiastical livings, with cure.*

41 George 3, c. 102, 42 George 3, c. 86, recited. The last recited act continued till July eighth, one thousand eight hundred and three.

43 GEORGE 3, CAP. 84.—*An act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England.*—See Title—"RESIDENCE OF SPIRITUAL PERSONS, ENGLAND."

57 GEORGE 3, CAP. 99.—*An act to consolidate and amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices; and for the support and maintenance of stipendiary curates in England.*—See Title—"CURATES, STIPENDIARY, ENGLAND," vol. ii. p. 424.

59 GEORGE 3, CAP. 40.—*An act to secure spiritual persons in the possession of benefices in certain cases.*—See Title—"DISPENSATIONS FROM ROME ABOLISHED," vol. ii. p. 531.

1 & 2 VICTORIA, CAP. 106.—*An act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy.*—Whereas an act was passed in the twenty-first year of the reign of king Henry the eighth, intituled *an act that no spiritual persons shall take to farm of the king, or any other person, any lands or tenements for term of life, lives, years, or at will, &c.; and for pluralities of benefices; and for residence*, the whole of which recited act (excepting only such parts as relate to pluralities of benefices) has since been repealed by an act passed in the fifty-seventh year of the reign of king George the third, intituled *an act to consolidate and amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices; and for the support and maintenance of stipendiary curates in England*: and

21 H. 8, c. 13.

57 G. 3, c. 99.

whereas it is expedient to consolidate and amend the said laws, and to restrain the holding of pluralities, and to make further provision for enforcing the residence of spiritual persons upon their benefices, and to limit the exemptions from such residence; and also to make further provision respecting the appointment and support of stipendiary curates in *England*: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said recited acts as is now in force shall be and the same is hereby repealed, save and except only such part of the said last recited act as repeals certain acts and parts of acts therein particularly recited: provided always, that nothing herein contained shall exempt any person from any penalties incurred under the said last recited act before the time of passing this act, or take away or affect any proceedings for recovery thereof, whether commenced or not before the passing of this act, or shall annul or abridge any licence granted under the provisions of the said last recited act before the time of passing this act.

Both acts now wholly repealed; saving as to penalties already incurred, or licences already granted.

II. And be it enacted, that from and after the passing of this act no spiritual person holding more benefices than one shall accept and take to hold therewith any cathedral preferment or any other benefice; and that no spiritual person holding any cathedral preferment and also holding any benefice shall accept and take to hold therewith any other cathedral preferment or any other benefice; and that no spiritual person holding any preferment in any cathedral or collegiate church shall accept and take to hold therewith any preferment in any other cathedral or collegiate church; any law, canon, custom, usage, or dispensation to the contrary notwithstanding: provided, that nothing hereinbefore contained shall be construed to prevent any archdeacon from holding, together with his archdeaconry, two benefices, under the limitations hereinafter mentioned with respect to distance, joint yearly value, and population, and one of which benefices shall be situate within the diocese of which his archdeaconry forms a part, or one cathedral preferment in any cathedral or collegiate church of the diocese of which his archdeaconry forms a part, and one benefice situate within such diocese, or to prevent any spiritual person holding any cathedral preferment, with or without a benefice, from holding therewith any office in the same cathedral or collegiate church the duties of which are statutably or accustomably performed by the spiritual persons holding such preferment.

Not more than two preferments to be held together;

III. And be it enacted, that, except as hereinafter provided, no spiritual person holding any benefice shall accept and take to hold therewith any other benefice, unless it shall be situate within the distance of ten statute miles from such first mentioned benefice.

nor two benefices, unless within ten miles of each other;

IV. And be it enacted, that, except as hereinafter provided, no spiritual person holding a benefice with a population of more than three thousand persons shall accept and take to hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than five hundred persons; nor shall any spiritual person holding a benefice with a population of more than five hundred persons accept and take to

nor if population of one such benefice is more than three thousand, or joint yearly value shall exceed £1,000.

hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than three thousand persons; nor shall any spiritual person hold together any two benefices if, at the time of his admission, institution, or being licensed to the second benefice, the value of the two benefices jointly shall exceed the yearly value of one thousand pounds.

If yearly value of one of said benefices be less than £150, and the population shall exceed two thousand persons, the two may be held jointly, after statement of reasons by the bishop.

Proviso as to residence on larger parish.

V. And be it enacted, that in case the bishop or bishops, as the case may be, to whom any two benefices within the distance of ten miles from each other shall respectively be subject, which, under the provision hereinbefore contained, might not be holden together, but one of which benefices shall be below the yearly value of one hundred and fifty pounds, and the population of which shall exceed two thousand persons, shall think it expedient that the incumbent of one of such benefices, should be permitted to hold the said two benefices together, the said bishop or bishops shall be at liberty, upon application made to him or them for that purpose by such incumbent, to state in writing under his or their hand or hands the reason why such benefices should be holden together, and in such case it shall be lawful for the said incumbent to hold the said two benefices together: provided always, that in the last mentioned case the bishop of the diocese within which such benefice having a population exceeding two thousand persons is situate may from time to time, if he shall so think fit, by an order under his hand and revocable at any time, require that such incumbent should keep residence on and personally serve such benefice during the space of nine months in each year; and if such incumbent shall not, in obedience to the terms of such order and until the same be revoked, reside on and personally serve such benefice, he shall be liable to all the penalties for non-residence imposed by this act, notwithstanding he may have a legal exemption permanent or temporary from residence, or may be resident on some other benefice of which he may be possessed, or may be performing the duties of an office, and the performance of the duties of which might in other cases be accounted as residence on some benefice: provided always, that such spiritual person may, within one month after service upon him of any such order, appeal to the archbishop of the province, who shall confirm or rescind such order as to him may seem just and proper.

Licence or dispensation to hold together any two benefices must be obtained from the archbishop of Canterbury.

VI. Provided always, and be it enacted, that before any spiritual person shall be allowed to hold any two benefices together under any provision of this act it shall be necessary for such person to obtain from the archbishop of *Canterbury* for the time being a licence or dispensation for the holding thereof, which licence or dispensation the said archbishop is hereby empowered to grant under the seal of his office of faculties, upon being satisfied as well of the fitness of the person as of the expediency of allowing such two benefices to be holden together, and that such licence or dispensation shall issue in such manner and form as the said archbishop shall think fit; and for such licence or dispensation there shall be paid to the registrar of the said office the sum of thirty shillings and no more, and to the seal keeper thereof the sum of two shillings and no more; and that no stamp duty, nor any other fee, save as hereinbefore mentioned,

shall be payable on the licence or dispensation to be granted as aforesaid, nor shall any confirmation thereof be necessary; nor shall it be required of any spiritual person applying for any such licence or dispensation to give any caution or security by bond or otherwise before such licence or dispensation is granted; and if the said archbishop of *Canterbury* shall refuse or deny to grant any such licence or dispensation as aforesaid, it shall be lawful for her majesty, if she, by the advice of her privy council, shall think fit, upon application by the person to whom such licence or dispensation shall have been refused or denied, to enjoin the said archbishop to grant such licence or dispensation, or to show to her majesty in council sufficient cause to the contrary, and thereupon to make such order touching the refusal or grant of such licence or dispensation as to her majesty in council shall seem fit; and such order shall be binding upon the archbishop.

VII. And be it further enacted, that where any spiritual person shall be desirous of obtaining a licence or dispensation for holding together any two benefices such spiritual person shall, previously to applying for the grant of such licence or dispensation, deliver to the bishop of the diocese where both benefices are situate in the same diocese, or to the bishops of the two dioceses where such benefices are situate in different dioceses, a statement in writing under his hand, verified as such bishop or bishops respectively may require, according to a form or forms to be promulgated from time to time by the archbishop of *Canterbury* and approved by the queen in council, in which statement such spiritual person shall set forth, according to the best of his belief, the yearly income arising from each of the said benefices, separately, on an average of the three years ending on the twenty-ninth day of *September* next before the date of such statement, and the sources from which such income is derived, and also the yearly amount, on an average of the same period of three years, of all taxes, rates, tenths, dues, and other permanent charges and outgoings to which the same benefices are respectively subject, and also the amount of the population of each of the said benefices, to be computed according to the last returns made under the authority of parliament, and also the distance between the two benefices, to be computed according to the directions of this act; and it shall be lawful for the bishop to whom such statement shall be delivered to make any inquiry which he may think right as to the correctness of the same in respect to the benefices or benefice within his diocese; and such bishop is hereby required, within the space of one month after he shall have received such statement as aforesaid, to transmit to the archbishop of *Canterbury* a certificate under his hand, in which certificate such bishop shall set forth or shall annex thereto a copy of the statement delivered to him as aforesaid, and shall thereby certify the amount at which he considers that the annual value and the population of each of the two benefices (where both benefices are situate in the same diocese) and the distance of the said two benefices from each other, or the amount at which he considers the annual value and the population of the benefice within the diocese of such bishop (where the two benefices are situate in different dioceses) and the distance of such

A statement of certain particulars to be made by every spiritual person to the bishop of the diocese previous to application for a licence or dispensation.

Bishop may make inquiry as to the accuracy of statement. Bishop to transmit a certificate to the archbishop of *Canterbury*, setting forth copy of the statement made to the bishop and other particulars.

benefice from the other benefice, ought to be taken, with respect to the licence or dispensation in question; and whenever both or either of the benefices shall be in the diocese or jurisdiction of the archbishop of *Canterbury*, a certificate shall be made out in manner aforesaid by the archbishop, and shall be retained by him.

How annual value of two benefices to be held together by dispensation to be estimated

VIII. And be it further enacted, that in estimating the annual value of any benefice for the purpose of any such certificate as aforesaid it shall be lawful for the archbishop or bishop by whom such certificate shall be made, and every such archbishop and bishop is hereby directed, to deduct from the gross amount of the yearly income arising from such benefice all taxes, rates, tenths, dues, and other permanent charges and outgoings to which such benefice shall be subject, but not to deduct or allow for any stipend or stipends to any stipendiary curate or curates, nor for such taxes or rates in respect of the house of residence on any benefice or of the glebe land belonging thereto as are usually paid by tenants or occupiers, nor for monies expended in the repair or improvement of the house of residence and buildings and fences belonging thereto.

Certificate to be deposited in office of faculties; and be conclusive evidence of value, population, and distance.

IX. And be it further enacted, that the certificate or certificates to be transmitted to or retained by the archbishop of *Canterbury* as aforesaid shall be deposited in the said office of faculties, and in the event of the required licence or dispensation being granted shall for the purposes of this act be conclusive evidence of the annual value and population of each of the benefices to which the same shall relate, and of their distance from each other; and the registrar of the faculties shall and he is hereby required to produce such certificate or certificates to any person who may require to inspect the same.

In other cases how annual value to be estimated.

X. And be it further enacted, that for all the other purposes of this act the annual value of all benefices shall be the net annual value thereof, to be estimated in the same manner as is hereinbefore directed for the purpose of any such certificate as aforesaid; and that it shall be lawful for the court before whom any suit shall be depending for the recovery of any penalty or forfeiture under this act, and for any bishop acting under any of the provisions of this act, to make or cause to be made such inquiries and call for such evidence as such court or bishop shall think fit, and otherwise to proceed upon the best information which such court or bishop may be able to procure for estimating in manner aforesaid the annual value of any benefice; and with respect to the same, the decision of such court or of such bishop, founded on such evidence or other information, shall be final and conclusive, save when appealed from in due course of law.

Acceptance of preferment contrary to this act vacates the former preferment.

XI. And be it enacted, that if any spiritual person, holding any cathedral preferment or benefice, shall accept any other cathedral preferment or benefice, and be admitted, instituted, or licensed to the same contrary to the provisions of this act, every cathedral preferment or benefice so previously held by him shall be and become *ipso facto* void, as if he had died or had resigned the same, any law, statute, canon, usage, custom, or dispensation to the contrary notwithstanding; and if any spiritual person holding any two or more benefices shall accept any cathedral preferment, or any other benefice,

or if any spiritual person holding two or more cathedral preferments shall accept any benefice, or if any spiritual person holding any cathedral preferment or preferments, and benefice or benefices, shall accept another benefice, he shall, before he is instituted, licensed, or in any way admitted to the said cathedral preferment or benefice, in writing under his hand declare to the bishop or bishops within whose diocese or dioceses any of the cathedral preferments or benefices previously holden by him are situate, which cathedral preferment and benefice, or which two benefices, (such two benefices being tenable together under the provisions of this act), he proposes to hold together, and a duplicate of such declaration shall by such spiritual person be transmitted to the registry of the diocese, and be there filed; and immediately upon any such spiritual person being instituted, licensed, or in any way admitted to the cathedral preferment or benefice which he shall have accepted as aforesaid, such cathedral preferment or preferments, benefice or benefices as he previously held, and as he shall not as aforesaid have declared his intention to hold, or such benefice as shall not be tenable under the provisions of this act with such newly accepted benefice, shall be and become *ipso facto* void, as if he had died or had resigned the same; and if such spiritual person shall in any such case refuse or wilfully omit to make such declaration as aforesaid, every cathedral preferment and benefice which he previously held shall be and become *ipso facto* void as aforesaid: provided always, that nothing herein contained shall be construed to affect the provisions hereinbefore made with respect to archdeacons, or with respect to spiritual persons holding, with any cathedral preferment, and with or without a benefice, offices in the same cathedral or collegiate church.

XII. And be it enacted, that nothing hereinbefore contained shall be construed to prejudice or affect the right of possession in any cathedral preferment or benefice to which any spiritual person shall have been collated, admitted, instituted, or licensed, or which shall have been otherwise granted to any spiritual person before the passing of this act, unless he shall after the passing of this act accept or take some cathedral preferment or benefice contrary to the provisions of this act. Present rights of possession saved.

XIII. And be it enacted, that nothing in this act contained shall be construed to prevent any spiritual person possessed of one or more than one benefice at the time of the passing of this act, and to whom or in trust for whom the advowson of or the next presentation or nomination to any other benefice has been conveyed, granted, or devised by any deed or will made before the twenty third day of *December* one thousand eight hundred and thirty-seven, from taking the said last mentioned benefice, and holding together such benefice and any one such first mentioned benefice (although the benefices to be held together be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act), but so nevertheless that the said two benefices be such as might have been held together before the passing of this act by dispensation duly granted and confirmed; and the bishop of the diocese in which such second or other benefice is situate shall and may, after a licence or dispensation shall have been obtained by Saving of other rights.

such spiritual person as is by this act required for holding two benefices together, admit, institute, or licence such spiritual person thereto, any thing herein contained to the contrary notwithstanding; unless such spiritual person, after the passing of this act, and before he shall be so admitted, instituted, or licensed to such second or other benefice as aforesaid, shall have accepted and taken any cathedral preferment or any other benefice, the holding of which with such second or other benefice would be contrary to the provisions of this act.

Saving as to former chaplains to the house of commons.

XIV. Provided also, and be it enacted, that nothing hereinbefore contained shall be construed to prevent the reverend *Frederick Vernon Lockwood*, the reverend *Edward Repton*, or the reverend *Temple Frere*, formerly chaplains to the house of commons, from taking and holding with any benefice of which any of them was in possession at the time of the passing of this act any cathedral preferment, or any benefice which may be conferred on them or either of them by her majesty in consideration of their respective services as such chaplains, although any such benefices be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act.

Acts 37 H. 8, c. 21, and 17 C. 2, c. 3, for uniting churches, repealed;

XV. And whereas it is expedient to alter and amend the provisions made by an act passed in the thirty-seventh year of the reign of king *Henry* the eighth, intituled *an act for the union of churches not exceeding the value of six pounds*; and by another act passed in the seventeenth year of the reign of king *Charles* the second, intituled *an act for uniting churches in cities and towns corporate*; be it enacted, that the said last recited acts shall be and the same are hereby repealed.

and their provisions re-enacted and extended.

XVI. And be it enacted, that whenever it shall appear to the archbishop of the province, with respect to his own diocese, and whenever it shall be represented to him by the bishop of any diocese, or by the bishops of any two dioceses, that two or more benefices, or that one or more benefice or benefices, and one or more spiritual sinecure rectory or rectories, vicarage or vicarages, in his or their diocese or dioceses, being either in the same parish or contiguous to each other, and of which the aggregate population shall not exceed one thousand five hundred persons, and the aggregate yearly value shall not exceed five hundred pounds, may with advantage to the interests of religion be united into one benefice, the said archbishop of the province shall inquire into the circumstances of the case; and if on such inquiry it shall appear to him that such union may be usefully made, and will not be of inconvenient extent, and that the patron or patrons of the said benefices, sinecure rectory or rectories, vicarage or vicarages respectively is or are consenting thereto, such consent being signified in writing under the hands of such patron or patrons, the said archbishop shall, six weeks before certifying such inquiry and consent to her majesty as hereinafter directed, cause, with respect to his own diocese, a statement in writing of the facts, and in other cases a copy in writing of the aforesaid representation, to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of such benefices, sinecure rectories, or vicarages with notice to

any person or persons interested that he, she, or they may, within such six weeks, show cause in writing under his, her, or their hand or hands to the said archbishop against such union, and if no sufficient cause be shown within such time, the said archbishop shall certify the inquiry and consent aforesaid to her majesty in council, and thereupon it shall be lawful for her majesty in council to make and issue an order or orders for uniting such benefices, sinecure rectory or rectories, vicarage or vicarages, into one benefice, with cure of souls, for ecclesiastical purposes only; and it shall be lawful for her majesty in council to give directions for regulating the course and succession in which the patrons, if there be more than one patron, shall present or nominate to such united benefice from time to time as the same shall become vacant, and for determining, if such united benefice shall be in two dioceses, to which of such dioceses such benefice shall belong; and such order or orders shall be registered in the registry or registries of the diocese or respective dioceses to which such united benefice shall be determined to belong, and to which either or any of the united benefices, sinecure rectories, or vicarages shall have belonged when separate, which order or orders the registrar or registrars of such diocese or respective dioceses, immediately on the receipt thereof, are hereby required to register accordingly; and such order or orders shall thenceforth be binding on all parties whatsoever; and if at the time of the registration of such order or orders all the benefices, sinecure rectories, or vicarages ordered to be united shall not be holden by the same incumbent, then if any of such benefices, sinecure rectories, or vicarages shall at such time be vacant, and if not, then upon every avoidance, until all the said benefices, sinecure rectories, or vicarages but one shall come to be holden by the same incumbent, the patron of the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, shall be bound to present or nominate, and the bishop shall be bound to admit and institute or license, to the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, the incumbent of the other or one of the other benefices, sinecure rectory or rectories, vicarage or vicarages so ordered to be united; and if both or all, as the case may be, shall be holden by the same incumbent at the time of the registration of such order or orders, or all but one of the said benefices, sinecure rectories, or vicarages shall at such time be vacant, then immediately, or otherwise on the first avoidance of either or any of such benefices, sinecure rectories, or vicarages, after all but one shall have come to be holden by the same incumbent, the said benefices, sinecure rectory or rectories, vicarage or vicarages shall become permanently united together, and shall be and be deemed and taken to be one benefice, with cure of souls, to all intents and purposes, unless and until the same shall be afterwards disunited in the manner hereinafter enacted: provided always, that notwithstanding any such union the parishes or places of which such united benefice shall consist shall continue distinct as to all secular rates, taxes, charges, duties, and privileges, and in all other respects except as hereinbefore specified.

XVII. And be it enacted, that when it shall further appear to the archbishop of the province, with respect to his own diocese, or it

Glebe lands,
&c. may in
certain cases

be excepted out of any united benefice to augment the provision for any other adjoining poor benefice by an exchange in such manner that the augmentation shall be situate within the limits of such other benefice.

shall be further represented to him by the bishop of any other diocese, that the total income of any benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, proposed to be united as aforesaid, would be larger than sufficient for the due maintenance and support of the incumbent of the benefice when united; and that the whole or some specified part or parts of the glebe lands, tithes, rent charges, tenements, and hereditaments belonging to the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages proposed to be united, or any of them, might and could, with advantage to the interests of religion, be excepted out of such union, and be exchanged for certain other lands, tithes, tenements, and hereditaments, or any of them, in some other specified benefice situate in the same diocese, and having no competent provision belonging thereto, and that the lands, tithes, tenements, or hereditaments proposed to be given in exchange for such excepted lands, tithes, rent charges, tenements, or hereditaments might with like advantage be granted, conveyed, and assured as a further perpetual endowment for the incumbent of such last mentioned benefice, and that the patron or patrons of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages respectively, and the incumbent or incumbents for the time being thereof respectively, or of such thereof as shall not be then vacant, and the owner or owners, impropiator or impropiators of such lands, tithes, tenements, or hereditaments respectively so proposed to be given in exchange is or are consenting thereto, such consent to be signified in writing under their respective hands, it shall be lawful for the said archbishop, after inquiring into such further matter, to certify in like manner as aforesaid such further circumstances to her majesty in council, and thereupon it shall be lawful for her majesty, in and by such order as aforesaid, or any other order or orders, to direct that such first mentioned lands, tithes, rent charges, tenements, and hereditaments shall be excepted out of such united benefice, and be granted, conveyed, and assured unto such owner or owners, impropiator or impropiators as aforesaid, in exchange for an equal value of lands, tithes, tenements, or other hereditaments situate or arising within the limits of such benefice, to be by such owner or owners, impropiator or impropiators, granted, conveyed, and assured for the further endowment of such other benefice; and such order or orders shall be registered in the register of the diocese to which such united benefice and other benefice shall belong, and which order or orders the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly, and such order or orders shall thenceforth be binding on all parties whatsoever; and such lands, tithes, tenements, and hereditaments, so directed to be granted, conveyed, and assured to such owner or owners, impropiator or impropiators as aforesaid, shall, immediately upon and after the execution and enrolment in manner hereinafter directed of the deed or deeds, instrument or instruments hereinafter mentioned, be for ever freed and discharged of and from all estate, right, title, and interest whatsoever of all and every the incumbent or incumbents for the time being of the said benefices, sinecure rectory or rectories, vicarage or vicarages so to be united, and become and be

subject and liable in every respect to all and singular the uses, trusts, estates, and charges of or to which the lands, tithes, rent charges, tenements, or other hereditaments so granted, conveyed, or assured by such owner or owners, impropiator or impropiators, for such further endowment as aforesaid, may at the time of such execution have been subject or liable; and that such last mentioned lands, tithes, rent charges, tenements, or other hereditaments, so granted, conveyed, and assured by such owner or owners, impropiator or impropiators, for such further endowment as aforesaid, shall in like manner become and be for ever annexed to such other benefice for the further endowment of which the same shall be so granted, conveyed, and assured, and be held and enjoyed for ever by the incumbent for the time being thereof, as part of the endowment thereof, freed and discharged of and from all uses, trusts, estates, and charges whatsoever to which the same respectively or any part thereof were or was before subject or liable.

XVIII. Provided always, and be it further enacted, that all such grants, conveyances, and assurances as aforesaid shall be made by a deed or deeds, instrument or instruments in writing, under the hand and seal or hands and seals of the patron or patrons of the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, affected thereby, and of the owner or owners, impropiator or impropiators of the lands, tithes, tenements, and hereditaments so to be given in exchange as aforesaid; and the bishop of the diocese for the time being shall testify his approval thereof by being a party and affixing his episcopal seal thereto; and the incumbent or incumbents for the time being of such of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, as shall not be then vacant, shall testify his or their approval by being a party or parties to and signing the same respectively, and shall be the party or parties by whom the grant, conveyance, and assurance to be made or executed to such owner or owners, impropiator or impropiators as aforesaid shall be made and executed; and such deed or deeds, instrument or instruments in writing, shall be enrolled in her majesty's high court of chancery within six calendar months after the execution thereof respectively, or else have no operation under this act.

Such conveyances in exchange to be by deed in writing, under the hands and seals of all parties interested, to be enrolled in chancery.

XIX. Provided always, and be it enacted, that the approval of the said bishop, testified as aforesaid, shall be conclusive that the lands, tithes, rent charges, tenements, and hereditaments so to be granted, conveyed, and assured under or by virtue of the provisions aforesaid were respectively of the proper value required by this act, and were respectively granted, conveyed, and assured in due accordance with the provisions aforesaid.

Approval of bishop of the diocese.

XX. Provided also, and be it enacted, that from and after the passing of this act it shall not be lawful to unite two or more benefices into one benefice in any other form or manner or under any other circumstances than is hereinbefore provided; and that if any such union shall be made in any other form or manner or under any other circumstances than as it is hereinbefore provided, the same shall be void to all intents and purposes whatsoever; any statute, law, canon, custom, or usage to the contrary notwithstanding.

No union except under this act.

Provisions
for partly
disuniting
united
benefices.

XXI. And whereas from the increase of population, or from other circumstances, it may be expedient that two or more benefices which have been heretofore united or which may be hereafter united under the provisions of this act should be disunited; be it enacted, that when two or more benefices shall have been united or may be hereafter united into one benefice, and, with respect to his own diocese, it shall appear to the archbishop of the province, or the bishop of any diocese shall represent to the said archbishop of the province, that one or more of the benefices within his diocese of which such united benefice shall consist may be separated therefrom with advantage to the interests of religion, the said archbishop shall inquire into the circumstances of the case, and if on such inquiry it shall appear to him that such union may be usefully dissolved, so far as respects such benefice or benefices, he shall, six weeks at least before certifying such inquiry to her majesty as hereinafter directed, cause with respect to his own diocese a statement in writing of the facts and in all other cases a copy in writing of the aforesaid representation to be affixed on or near the principal outer door of the church or in some public and conspicuous place in each of the benefices forming part of the united benefice, with notice to any person or persons interested that he, she, or they may within such six weeks show cause in writing under his, her, or their hands to the said archbishop against any such disunion; and if no sufficient cause be shown within such time the archbishop shall certify the inquiry and consent, when the patron's consent is necessary, to her majesty in council, and thereupon it shall be lawful for her majesty to issue an order for separating such last mentioned benefice or benefices from such united benefice, and for declaring the rights of patronage of the several patrons if there be more than one patron, and such order shall be registered in the registry of the diocese to which such united benefice shall belong, which order the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united benefice shall be then vacant, otherwise on the first avoidance thereof, such union shall be *ipso facto* dissolved so far only as regards such benefice or benefices so proposed to be separated from such united benefice, but in all other respects shall remain in full force and effect, and thenceforward such last mentioned benefice or benefices shall be and be deemed and taken to be a separate and distinct benefice or benefices to all intents and purposes whatever as if no such union had taken place, and the patron or patrons thereof shall and may according to the terms of such order present or nominate thereto respectively, and so from time to time upon each and every avoidance of the same: provided always, that no benefices which have been united for more than sixty years before the passing of this act shall be disunited without the consent in writing of the patron or patrons thereof.

Incumbent
may resign
one or more
of disunited
benefices,
and patron
may present.

XXII. And be it enacted, that in any case in which her majesty in council shall have issued any such order as aforesaid for separating one or more benefices from such united benefice it shall be lawful for the incumbent thereof, if such united benefice shall be full at the time of issuing such order, to resign the benefice or benefices

so proposed to be separated as aforesaid from such united benefice; and thereupon it shall be lawful for the respective patron or patrons of such last mentioned benefice or benefices to present or nominate thereto, in the same manner as if such united benefice had been vacant at the time of issuing such order.

XXIII. And be it enacted, that whenever two or more benefices which have at any time been united into one benefice shall be dis-united and become separate benefices under the provisions of this act, whether the order for disunion shall extend to the whole number of benefices of which such united benefice consisted, or to one or more of such benefices only, it shall be lawful for her majesty in council, on the recommendation of the archbishop of the province, with the consent of the patron or patrons of such benefice respectively (such consent to be signified in writing under the hands of such patron or patrons), to assign and attach such portion of the glebe lands, tithes, moduses, rent charges, or other endowments or emoluments belonging to or arising or accruing within the limits of such united benefice to each of such benefices respectively, as to her majesty in council shall seem fit, notwithstanding such proportion of glebe land, tithes, rent charges, moduses, or other endowments or emoluments, or any part thereof, may not arise or accrue within the limits of the benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto, and also to divide and apportion between such benefices all such charges and outgoings as before the disunion thereof were imposed upon the whole united benefice, and in the case of mortgages with the consent of the mortgagees in writing under their hands and seals.

Portion of
glebe, &c.
may be as-
signed to
each of the
dissevered
benefices;

XXIV. And be it enacted, that all such lands, tithes, rent charges, moduses, or other endowments or emoluments, when so assigned and attached as aforesaid, shall belong to, and the same and the rents and profits thereof shall be recoverable by, the incumbent of the benefice to which the same shall have been so assigned and attached.

and shall
belong to the
incumbent.

XXV. And whereas by an act passed in this present session of parliament, intituled *an act to amend the law for providing fit houses for the beneficed clergy*, provision is made in certain cases for selling the residence house and appurtenances belonging to any benefice, together with a certain portion of land contiguous thereto, and for applying the proceeds of such sale to the erection or purchase of some house, or the purchase of an orchard, garden, or land for the residence and occupation of the incumbent of such benefice: and whereas it may happen that in the case of benefices disunited under the provisions of this act, or divided or separately endowed under the provisions of two acts passed in the fifty-eighth year and in the fifty-ninth year of his majesty king *George* the third, for building and promoting the building of additional churches in populous parishes, and for amending and rendering more effectual the said act, the existing benefice house may be inconveniently situated for any one of such disunited parishes, or of the divisions of such divided benefices, or may be on too large and expensive a scale to be conveniently maintained by the incumbent of any such disunited or divided benefice; be it enacted, that all the provisions of the said

More than
one house
may be
provided in
disunited
benefices.

58 G. 3, c. 45.
59 G. 3, c. 134.

recited act of this present session relating to the sale of the house, gardens, orchards, appurtenances, or land attached to any benefice, and the application of the proceeds of such sale, shall be and be deemed applicable to the case of any benefice divided or separately endowed under the provisions of the said acts, or either of them, of his majesty king *George* the third, and of any benefice disunited under the provisions of this act; and that the proceeds of such sale may be applied and disposed of by the governors of the bounty of queen *Anne* in and towards the erection or purchase of such and so many houses, or in and towards the purchase of so many gardens or appurtenances, or of so much land as shall be required for the residence of an incumbent, within each of the parishes so disunited, or each of the divisions of the benefices so divided, in such proportions within each such benefice respectively as shall be approved by the archbishop of the province, with the consent of the patron and ordinary, and (if the benefice be full) of the incumbent of the benefice, such consents to be signified in writing under their respective hands, and shall be confirmed by her majesty in council.

Provisions
for annexing
isolated
places to the
contiguous
parishes, or
making them
separate
benefices.

XXVI. And whereas in some instances tithings, hamlets, chapelries, and other places or districts may be separated from the parishes or mother churches to which they belong with great advantage, and places altogether extra-parochial may in some instances with advantage be annexed to parishes or districts to which they are contiguous, or be constituted separate parishes for ecclesiastical purposes; be it enacted, that when, with respect to his own diocese, it shall appear to the archbishop of the province, or when the bishop of any diocese shall represent to the said archbishop that any such tithing, hamlet, chapelry, place, or district within the diocese of such archbishop, or the diocese of such bishop, as the case may be, may be advantageously separated from any parish or mother church, and either be constituted a separate benefice by itself or be united to any other parish to which it may be more conveniently annexed, or to any other adjoining tithing, hamlet, chapelry, place, or district, parochial or extra-parochial, so as to form a separate parish or benefice, or that any extra-parochial place may with advantage be annexed to any parish to which it is contiguous, or be constituted a separate parish for ecclesiastical purposes; and the said archbishop or bishop shall draw up a scheme in writing (the scheme of such bishop to be transmitted to the said archbishop for his consideration), describing the mode in which it appears to him that the alteration may best be effected, and how the changes consequent on such alteration in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent charges, and other ecclesiastical dues, rates, and payments, and in respect to patronage and rights to pews, may be made with justice to all parties interested; and if the patron or patrons of the benefice or benefices to be affected by such alteration shall consent in writing under his or their hands to such scheme, or to such modification thereof as the said archbishop may approve, and the said archbishop shall, on full consideration and inquiry, be satisfied with any such scheme or modification thereof, and shall certify the same and such consent as aforesaid, by his report to her majesty in council, it shall be lawful for her majesty in council to

make an order for carrying such scheme, or modification thereof, as the case may be, into effect; and such order, being registered in the registry of the diocese, which the registrar is hereby required to do, shall be forthwith binding on all persons whatsoever, including the incumbent or incumbents of the benefice or benefices to be affected thereby, if he or they shall have consented thereto in writing under his or their hands; but if such incumbent or incumbents shall not have so consented thereto the order shall not come into operation until the next avoidance of the benefice by the incumbent objecting to the alteration, or by the surviving incumbent objecting, if more than one shall object thereto; and in such case the order shall forthwith, after such avoidance, become binding on all persons whatsoever.

XXVII. And whereas the changes effected by virtue of the provisions aforesaid for uniting or disuniting benefices, and for altering the contents of parishes, may, when the orders for those purposes respectively come into operation, raise doubts and create disputes not foreseen at the time when such orders may have been made respecting ecclesiastical jurisdiction, glebe lands, tithes, rent charges, and other ecclesiastical dues, rates, and payments, patronage, right to pews, and the definition of local boundaries; be it enacted, that it shall be lawful for her majesty in council, at any time within five years after such orders respectively shall come into full operation, if occasion shall arise, to make a supplemental order for removing such doubts and settling such disputes; and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this act: provided always, that in every case in which the contents of parishes shall be so altered such alteration shall not in any way affect the secular rates, taxes, charges, duties, or privileges of such parishes, or of any part of them.

Power of adjusting disputes arising out of the foregoing alterations.

XXVIII. And be it enacted, that it shall not be lawful for any spiritual person holding any cathedral preferment or benefice, or any curacy or lectureship, or who shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to take to farm for occupation by himself, by lease, grant, words, or otherwise, for term of life or of years, or at will, any lands exceeding eighty acres in the whole, for the purpose of occupying or using or cultivating the same, without the permission in writing of the bishop of the diocese specially given for that purpose under his hand; and every such permission to any spiritual person to take to farm for the purpose aforesaid any greater quantity of land than eighty acres shall specify the number of years, not exceeding seven, for which such permission is given; and every such spiritual person who shall without such permission so take to farm any greater quantity of land than eighty acres, shall forfeit for every acre of land above eighty acres so taken to farm the sum of forty shillings for each year during or in which he shall so occupy, use, or cultivate such land contrary to the provision aforesaid.

Spiritual persons not to take to farm for occupation above eighty acres, without consent of the bishop, and then not beyond seven years, under penalty of forty shillings per acre.

XXIX. And be it enacted, that it shall not be lawful for any spiritual person holding any such cathedral preferment, benefice, curacy, or lectureship, or who shall be licensed or allowed to perform

No spiritual person, beneficed or performing

ecclesiastical duty, shall engage in trade, or buy to sell again for profit or gain.

Not to extend to spiritual persons engaged in keeping schools, or as tutors, &c. in respect of any thing done, or any buying or selling in such employment; or to selling any thing bona fide bought for the use of the family, or to being a manager, &c. in any benefit or life or fire assurance society;

or buying and selling cattle, &c. for the use of his own lands, &c.

Spiritual persons illegally trading may be suspended, and for the third offence deprived.

such duties as aforesaid, by himself or by any other for him or to his use, to engage in or carry on any trade or dealing for gain or profit, or to deal in any goods, wares, or merchandize, unless in any case in which such trading or dealing shall have been or shall be carried on by or on behalf of any number of partners exceeding the number of six, or in any case in which any trade or dealing, or any share in any trade or dealing, shall have devolved or shall devolve upon any spiritual person, or upon any other person for him or to his use, under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency; but in none of the foregoing excepted cases shall it be lawful for such spiritual person to act as a director or managing partner, or to carry on such trade or dealing as aforesaid in person.

XXX. Provided always, and be it enacted, that nothing hereinbefore contained shall subject to any penalty or forfeiture any spiritual person for keeping a school or seminary, or acting as a schoolmaster or tutor or instructor, or being in any manner concerned or engaged in giving instruction or education for profit or reward, or for buying or selling or doing any other thing in relation to the management of any such school, seminary, or employment, or to any spiritual person whatever for the buying of any goods, wares, or merchandizes, or articles of any description, which shall without fraud be bought with intent at the buying thereof to be used by the spiritual person buying the same for his family or in his household, and after the buying of any such goods, wares, or merchandizes, or articles, selling the same again or any parts thereof which such person may not want or choose to keep, although the same shall be sold at an advanced price beyond that which may have been given for the same; or for disposing of any books or other works to or by means of any bookseller or publisher; or for being a manager, director, partner, or shareholder in any benefit society, or fire or life assurance society, by whatever name or designation such society may have been constituted; or for any buying, or selling again for gain or profit, of any cattle or corn or other articles necessary or convenient to be bought, sold, kept, or maintained by any spiritual person, or any other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any glebe, demesne lands, or other lands or hereditaments which may be lawfully held and occupied, possessed, or enjoyed by such spiritual person, or any other for him or to his use; or for selling any minerals the produce of mines situated on his own lands; so nevertheless that no such spiritual person shall buy or sell any cattle or corn or other articles as aforesaid in person in any market, fair, or place of public sale.

XXXI. And be it enacted, that if any spiritual person shall trade or deal in any manner contrary to the provisions of this act, it shall be lawful for the bishop of the diocese where such person shall hold any cathedral preferment, benefice, curacy, or lectureship, or shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to cause such person to be cited before his chancellor or other competent judge, and it shall be lawful for such chancellor or other judge, on proof in due course of law of such trading, to suspend such spiritual person for his first offence for such

time not exceeding one year as to such judge shall seem fit; and on proof in like manner before such or any other competent ecclesiastical judge of a second offence committed by such spiritual person subsequent to such sentence of suspension, such spiritual person shall for such second offence be suspended for such time as to the judge shall seem fit; and for his third offence be deprived *ab officio et beneficio*, and thereupon it shall be lawful for the patron or patrons of any such cathedral preferment, benefice, lectureship, or office to make donation or to present or nominate to the same as if the person so deprived were actually dead; and in all such cases of suspension the bishop during such suspension shall sequester the profits of any cathedral preferment, benefice, lectureship, or office of which such spiritual person may be in possession, and by an order under his hand direct the application of the profits of the same respectively, after deducting the necessary expenses of providing for the due performance of the duties of the same respectively, towards the same purposes and in the same order, as near as the difference of circumstances will admit, as are hereinafter directed with respect to the profits of a benefice sequestered in case of non-compliance after monition with an order requiring a spiritual person to proceed and reside on his benefice, save that no part of such profits shall be paid to the spiritual person so suspended nor applied in satisfaction of a sequestration at the suit of a creditor; and in case of deprivation the bishop shall forthwith give notice thereof in writing under his hand to the patron or patrons of any cathedral preferment, benefice, lectureship, or office which the said spiritual person may have holden in the manner hereinafter required with respect to notice to the patron of a benefice continuing under sequestration for one whole year, and thereby becoming void, and any such cathedral preferment or benefice shall lapse at such period after the said notice as any such last mentioned benefice would under the provisions of this act lapse: provided always, that no contract shall be deemed to be void by reason only of the same having been entered into by a spiritual person trading or dealing, either solely or jointly with any other person or persons, contrary to the provisions of this act, but every such contract may be enforced by or against such spiritual person, either solely or jointly with any other person or persons, as the case may be, in the same way as if no spiritual person had been party to such contract.

XXXII. And be it enacted, that every spiritual person holding any benefice shall keep residence on his benefice, and in the house of residence (if any) belonging thereto; and if any such person shall, without any such licence or exemption as is in this act allowed for that purpose, or unless he shall be resident at some other benefice of which he may be possessed, absent himself from such benefice, or from such house of residence, if any, for any period exceeding the space of three months together, or to be accounted at several times in any one year, he shall, when such absence shall exceed three months and not exceed six months, forfeit one-third part of the annual value of the benefice from which he shall so absent himself; and when such absence shall exceed six months and not exceed eight months, one half part of such annual value; and when such

Penalties
for non-
residence, on
incumbent
not having a
licence or
exemption,
unless he be
resident on
another
benefice.

absence shall exceed eight months, two-third parts of such annual value; and when such absence shall have been for the whole of the year, three-fourth parts of such annual value.

Licence to reside out of the usual house, if unfit.

XXXIII. And be it enacted, that it shall be lawful for any bishop, upon application in writing by any spiritual person holding any benefice within his diocese whereon there shall be no house or no fit house of residence, by licence under his hand and seal, to be registered in the registry of the diocese, which the registrar is hereby required to do, to permit such person to reside in some fit and convenient house, although not belonging to such benefice, such house to be particularly described and specified in such licence, and for a certain time to be therein also specified, not exceeding the period by this act limited, and from time to time, as such bishop may think fit, to renew such licence; and every such house shall be a legal house of residence for such specified time to all intents and purposes: provided always, that no such licence shall be granted to such spiritual person to reside in any house unless it be within three miles of the church or chapel of such benefice, nor in case such church or chapel be in any city, or market or borough town, unless such house be within two miles of such church or chapel.

Houses purchased by governors of queen Anne's bounty to be deemed residences.

XXXIV. And whereas the governors of the bounty of queen Anne have purchased, built, or procured, and may hereafter purchase, build, or procure, by way of benefaction or donation to poor benefices, houses not situate within the parishes or places wherein such benefices lie, but so near thereto as to be sufficiently convenient and suitable for the residence of the officiating ministers thereof; be it therefore enacted, that such houses, having been previously approved by the bishop of the diocese, by writing under his hand and seal duly registered in the registry of the diocese, shall be deemed the houses of residence belonging to such benefices to all intents and purposes whatsoever.

Vicar or perpetual curate may reside in rectory house.

XXXV. And be it enacted, that in all cases of rectories having vicarages endowed or perpetual curacies the residence of the vicar or perpetual curate in the rectory house of such benefice shall be deemed a legal residence to all intents and purposes whatever; provided that the house belonging to the vicarage or perpetual curacy be kept in proper repair to the satisfaction of the bishop of the diocese.

Widow of any spiritual person may continue in the house of residence for two months after his decease.

XXXVI. And be it enacted, that from and after the decease of any spiritual person holding any benefice to which a house of residence is annexed, and in which he shall have been residing at the time of his decease, it shall be lawful for the widow of such spiritual person to occupy such house for any period not exceeding two calendar months after the decease of such spiritual person, holding and enjoying therewith the curtilage and garden belonging to such house.

Certain persons exempt from penalties for non-residence.

XXXVII. And be it enacted, that no spiritual person, being head ruler of any college or hall within either of the universities of *Oxford* or *Cambridge*, or being warden of the university of *Durham*, or being head master of *Eton*, *Winchester* or *Westminster* school, or principal or any professor of the *East India College*, having been appointed such principal or professor before the time of the passing of this

act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice.

XXXVIII. And be it enacted, that no spiritual person being dean of any cathedral or collegiate church, during such time as he shall reside upon his deanery, and no spiritual person having or holding any professorship or any public readership in either of the said universities, while actually resident within the precincts of the university, and reading lectures therein, (provided always, that a certificate under the hand of the vice chancellor or warden of the university, stating the fact of such residence, and of the due performance of such duties, shall in every such case be transmitted to the bishop of the diocese wherein the benefice held by such spiritual person is situate within six weeks after the thirty-first day of *December* in each year); and no spiritual person serving as chaplain of the queen's or king's most excellent majesty, or of the queen dowager, or of any of the queen's or king's children, brethren, or sisters, during so long as he shall actually attend in the discharge of his duty as such chaplain in the household to which he shall belong; and no chaplain of any archbishop or bishop, whilst actually attending in the discharge of his duty as such chaplain; and no spiritual person actually serving as chaplain of the house of commons, or as clerk of the queen's or king's closet, or as a deputy clerk thereof, while any such person shall be actually attending and performing the functions of his office; and no spiritual person serving as chancellor or vicar-general or commissary of any diocese, whilst exercising the duties of his office; or as archdeacon, while upon his visitation, or otherwise engaged in the exercise of his archidiaconal functions; or as dean or subdean, or priest or reader, in any of the queen's or king's royal chapels at *Saint James's* or *Whitehall*, or as reader in the queen's or king's private chapels at *Windsor* or elsewhere, or as preacher in any of the inns of court, or at the rolls, whilst actually performing the duty of any such office respectively; and no spiritual person, being provost of *Eton College*, or warden of *Winchester College*, or master of the *Charter House*, or principal of *Saint David's College*, or principal of *King's College, London*, during the time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice for the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, but every such spiritual person shall, with respect to residence on a benefice under this act, be entitled to account the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, as if he had legally resided during the same time on some other benefice; any thing in this act contained to the contrary notwithstanding.

XXXIX. And be it enacted, that it shall be lawful for any spiritual person, being prebendary, canon, priest vicar, vicar choral, or minor canon in any cathedral or collegiate church, or being a fellow of one of the said colleges of *Eton* or *Winchester*, who shall reside and perform the duties of such office during the period for which he

Privileges
for tempo-
rary non-
residence.

Performance
of cathedral
duties, &c.
may be ac-
counted as
residence,
under certain
restrictions.

shall be required to reside and perform such duties by the charter or statutes of such cathedral or collegiate church or college, as the case may be, to account such residence as if he had resided on some benefice: provided always, that nothing herein contained shall be construed to permit or allow any such prebendary, canon, priest vicar, vicar choral, minor canon, or fellow, to be absent from any benefice on account of such residence and performance of duty for more than five months altogether in any one year, including the time of such residence on his prebend, canonry, vicarage, or fellowship: provided also, that it shall be lawful for any spiritual person having or holding any such office in any cathedral or collegiate church or college in which the year for the purposes of residence is accounted to commence at any other period than the first of *January*, and who may keep the periods of residence required for two successive years at such cathedral or collegiate church or college, in whole or in part, between the first of *January* and the thirty-first of *December* in any one year, to account such residence, although exceeding five months in the year, as reckoned from the first of *January* to the thirty-first of *December*, as if he had resided on some benefice, any thing in this act contained to the contrary notwithstanding.

Existing
rights as to
exemptions
and licences
preserved.

XL. Provided always, that every spiritual person being in possession of any benefice at the time of the passing of this act, and entitled by the law previously in force to exemption from residence, or to apply for a licence for non-residence, shall, as to every such benefice, but not as to any after-taken benefice, be entitled to the same exemption from residence, and to the same capacity of applying for and obtaining a licence for non-residence, and to the same right of appeal, in case of refusal or revocation of a licence, to which he was entitled before the time of the passing of this act; and every bishop and other person empowered before the passing of this act to grant such licence to such spiritual person shall have the like power after the passing thereof, any thing hereinbefore contained to the contrary notwithstanding.

If house of
residence
not kept in
repair, the
incumbent
to be liable
to the penal-
ties for non-
residence.

XLI. Provided also, and be it enacted, that every spiritual person having any house of residence upon his benefice, who shall not reside therein, shall, during such period or periods of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good and sufficient repair; and in every such case it shall be lawful for the bishop to cause a survey of such house of residence to be made by some competent person, the costs of which, in case the house shall be found to be out of repair, shall be borne by such spiritual person; and if the surveyor shall report that such house of residence is out of repair, it shall be lawful for the bishop to issue his monition to the incumbent to put the same in repair according to such survey and report, a copy of which shall be annexed to the monition; and every such non-resident spiritual person who shall not keep such house of residence in repair, and who shall not, upon such monition, and within one month after service of such monition, show cause to the contrary to the satisfaction of the bishop, or put such house in repair within the space of ten months, to the satisfaction of such bishop, shall be liable to all the penalties for non-residence imposed by this act during the

period of such house of residence remaining out of repair, and until the same shall have been put in repair.

XLII. And be it enacted, that every spiritual person applying for a licence for non-residence shall present to the bishop a petition signed by himself or by some person approved by the bishop in that behalf, and shall state therein whether such spiritual person intends to perform the duty of his benefice in person, and in that case where and at what distance from the church or chapel of such benefice he intends to reside; and if he intends to employ a curate such petition shall state what salary he proposes to give to such curate, and whether the curate proposes to reside or not to reside in the parish in which such benefice is situate; and if the curate intends to reside therein, then whether in the house of residence belonging to such benefice, or in some and what other house; and if he does not intend to reside in the parish, then such petition shall state at what distance therefrom, and at what place, such curate intends to reside, and whether such curate serves any other and what parish as incumbent or curate, or has any and what cathedral preferment, and any and what benefice, or officiates in any other and what church or chapel; and such petition shall also state the annual value and the population of the benefice in respect of which any licence for non-residence shall be applied for, and the number of churches or chapels, if more than one, upon such benefice, and the date of the admission of such spiritual person to the said benefice; and it shall not be lawful for the bishop to grant any such licence unless such petition shall contain a statement of the several particulars aforesaid; and every such petition shall be filed in the registry of the diocese by the registrar thereof, and shall be open to inspection, and copies thereof made, with the leave in writing of the bishop.

Every petition for licence for non-residence to be in writing, and to state certain particulars.

XLIII. And be it enacted, that it shall be lawful for the bishop, upon such petition being presented to him, and upon such proofs being adduced as to any facts stated in any such petition as he may think necessary and shall require, to grant, in such cases as are hereinafter enumerated, in which he shall think fit to grant the same, a licence in writing under his hand for such spiritual person to reside out of the proper house of residence of his benefice, or out of the limits of his benefice, or out of the limits prescribed by this act, for the purpose of exempting such person from any pecuniary penalty in respect of any non-residence thereon; which licence shall express the cause of granting the same licence; (that is to say), to any spiritual person who shall be prevented from residing in the proper house of residence or within the limits of such benefice, or within the limits prescribed by this act, by any incapacity of mind or body; and also for a period not exceeding six months to any spiritual person on account of the dangerous illness of his wife or child making part of his family, and residing with him as such; but that no such licence on account of the illness of a wife or child shall be renewed save with the allowance of the archbishop of the province previously signified under his hand in pursuance of a recommendation in writing from the bishop, setting forth the circumstances, proofs, and reasons which induce him to make such recommendation; and also to any spiritual person having or holding

Bishop may grant licences for non-residence in certain enumerated cases.

any benefice wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such spiritual person, such unfitness not being occasioned by any negligence, default, or other misconduct of such spiritual person, and such spiritual person keeping such house of residence, if any, and the buildings belonging thereto, in good and sufficient repair and condition to the satisfaction of the bishop, and a certificate under the hand of two neighbouring incumbents, countersigned by the rural dean, if any, that no house convenient for the residence of such spiritual person can be obtained within the parish, or within the limits prescribed by this act, being first produced to the bishop; and also to grant to any spiritual person holding any benefice, and occupying in the same parish any mansion or messuage whereof he shall be the owner, a licence to reside in such mansion or messuage, such spiritual person keeping the house of residence and other buildings belonging thereto in good and sufficient repair and condition, and producing to the bishop proof to his satisfaction at the time of granting every such licence of such good and sufficient repair and condition: provided always, that any such spiritual person, within one month after refusal of any such licence, may appeal to the archbishop of the province, who shall confirm such refusal, or direct the bishop to grant a licence under this act, as shall seem to the said archbishop just and proper.

Appeal to
archbishop
in case of
refusal.

In cases not
enumerated
bishops
may grant
licences to
reside out
of limits of
benefice,
subject to
allowance by
the arch-
bishop.

XLIV. And be it enacted, that it shall be lawful for any bishop, in any case not hereinbefore enumerated, in which such bishop shall think it expedient, to grant to any spiritual person holding any benefice within his diocese a licence to reside out of the limits of such benefice: provided always, that in every such case the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence, shall be forthwith transmitted to the archbishop of the province, who shall forthwith proceed therein as hereinafter provided in cases of appeal, and shall allow or disallow such licence in the whole or in part, or make any alteration therein, as to the period for which the same may have been granted or otherwise; and no such licence shall be valid unless it shall have been so allowed by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop: provided also, that it shall not be necessary in such licence to specify the cause of granting the same.

By whom
licences may
be granted
while a see
is vacant, &c.

XLV. And be it enacted, that during the vacancy of any see the power of granting licences of non-residence under this act, subject to the regulations herein contained, shall be exercised by the guardian of the spiritualities of the diocese; or in case the bishop of any diocese shall be disabled from exercising in person the functions of his office, such power shall be exercised by the person or persons lawfully empowered to exercise his general jurisdiction in the diocese: provided always, that no licence granted by any other than the bishop shall be valid until the archbishop of the province shall have signified his approbation of the grant of such licence by signing the same.

Duration of
licences.

XLVI. And be it enacted, that no licence for non-residence granted under this act or under the said hereinbefore second recited

act shall continue in force after the thirty-first day of *December* in the year next after the year in which such licence shall have been or shall be granted.

XLVII. And be it enacted, that every person obtaining any licence of non-residence shall pay for the same to the secretary or officer of the bishop, or other person granting the same, the sum of ten shillings, over and above the stamp duty chargeable thereon, and no more, and also the sum of three shillings, and no more, to the registrar of the diocese, and shall also pay the sum of five shillings to the secretary of the archbishop when any such licence shall have been signed by such archbishop.

Fee for licence.

XLVIII. And be it enacted, that no licence of non-residence shall become void by the death or removal of the bishop granting the same, but the same shall be and remain valid, notwithstanding any such death or removal, unless the same shall be revoked as hereinafter mentioned.

Licences not to be void by the death or removal of the grantor.

XLIX. And be it enacted, that it shall be lawful for any archbishop or bishop who shall have granted any licence of non-residence as aforesaid, or for any successor of any such archbishop or bishop, after having given such incumbent sufficient opportunity of showing reason to the contrary, in any case in which there may appear to such archbishop or bishop good cause for revoking the same, by an instrument in writing under his hand to revoke any such licence: provided always, that any such incumbent may, within one month after service upon him of such revocation, if by a bishop, appeal to the archbishop of the province, who shall confirm or annul such revocation as to him shall appear just and proper.

Licences may be revoked.

L. And be it enacted, that every bishop who shall grant or revoke any licence of non-residence under this act shall and he is hereby required, within one month after the grant or revocation of such licence, to cause a copy of every such licence or revocation to be filed in the registry of his diocese; and an alphabetical list of such licences and revocations shall be made out by the registrar of such diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence, and a statement in writing of the grounds of exemption, shall be transmitted by the spiritual person to whom such licence shall have been granted, or who may be exempted from residence, to the churchwardens or chapelwardens of the parish or place to which the same relates, within one month after the grant of such licence, or of his taking advantage of such exemption, as the case may be; and every bishop revoking any such licence shall cause a copy of such revocation to be transmitted, within one month after the revocation thereof, to the churchwardens or chapelwardens of the parish or place to which it relates; which copies of licences and revocation, and statements of exemption, shall be by such churchwardens or chapelwardens deposited in the parish chest, and shall likewise be produced by them, and publicly read by the registrar or other officer, at the visitation of the ecclesiastical district within which such benefice shall be locally situate next succeeding the receipt thereof; and every spiritual person who shall neglect so to transmit a copy of such licence or statement of exemption, as

Copies of licences or revocations to be filed in the registry of the diocese, and a list kept for inspection;

and copies transmitted to churchwardens, and publicly read at the first visitation.

hereby required, shall lose all benefit of such licence, and until he shall have transmitted such statement, shall not be entitled to the benefit of such exemption: provided always, that in case the archbishop of the province shall on appeal to him annul the revocation of any such licence, the bishop by whom such revocation shall have been made shall, immediately on receiving notice from the archbishop that he has annulled the same, order, by writing under his hand, that the copies of such revocation shall be forthwith withdrawn from the said registry and parish chest, and that the same shall not be produced and read at the visitation, and that such revocation shall be erased from the list of revocations in the said registry; which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

List of licences allowed by the archbishop, or granted in his own diocese, to be annually transmitted to her majesty in council, who may revoke licences, &c.

LI. And be it enacted, that every archbishop who shall in his own diocese grant any licence of non-residence, or who shall approve and allow, in manner directed by this act, any such licence in any case not enumerated in this act, or any renewal of a licence in the case of the dangerous illness of the wife or child of any spiritual person, shall annually in the month of *January* in each year transmit to her majesty in council a list of all licences or renewals so granted or allowed by such archbishop respectively in the year ending on the last day of *December* preceding such month of *January*, and shall in every such list specify the reasons which have induced him to grant or allow each such licence or renewal, together with the reasons transmitted to him by the bishops for granting or recommending each such licence in their respective dioceses; and it shall be lawful for her majesty in council, by an order made for that purpose, to revoke and annul any such licence; and if her majesty in council shall think fit so to do, such order shall be transmitted to the archbishop who shall have granted or approved and allowed such licence or renewal, who shall thereupon cause a copy of every such order to be transmitted to the bishop of the diocese in which such licence shall have been granted; and such bishop shall cause a copy of the mandatory part of the order to be filed in the registry of such diocese, and a like copy to be delivered to the churchwardens or chapelwardens of the parish or place to which the same relates, in manner hereinbefore directed as to revocation of licences; and every such archbishop shall cause a copy of the mandatory part of every such order made in relation to any such licence granted by him in his own diocese to be in like manner filed in the registry of his diocese, and a like copy also to be delivered to the churchwardens or chapelwardens of the parish or place to which such licence shall relate in manner before mentioned: provided always, that after such licence shall have been so revoked by her majesty in council the same shall nevertheless, in all questions that shall have arisen or may thereafter arise touching the non-residence of the spiritual person to whom the same shall have been granted, between the time at which the same was granted or approved and allowed and the time of the revocation thereof being so filed in the registry, be deemed and taken to have been valid.

Licence, although revoked, to be deemed valid between the grant and revocation.

Incumbents to answer questions

LII. And be it enacted, that it shall be lawful for each bishop and he is hereby required to transmit, some time in the month of

January in each year, to every spiritual person holding any benefice within his diocese or jurisdiction, the questions contained in the first schedule to this act, for the purpose of better enabling the several bishops to make the returns hereinafter mentioned; and every spiritual person to whom such questions shall be so transmitted shall, within three weeks from the day on which the same shall be delivered to him, or to the officiating minister of the benefice for the time being, make and transmit to the bishop full and specific answers thereto, such answers being signed by such spiritual person.

transmitted
to them by
bishop.

LIII. And be it enacted, that on or before the twenty-fifth day of *March* in every year a return shall be made to her majesty in council by every bishop of the name of every benefice within his diocese or jurisdiction, and the names of the several spiritual persons holding the same respectively who shall have resided thereon; and also the names of the several spiritual persons who, by reason of any exemption under or by virtue of this act, or by reason of any licence granted by such bishop, shall not have resided on their respective benefices; and also the names of all spiritual persons, not having any such exemption or licence, who shall not have resided on their respective benefices, so far as the bishop is informed thereof; and also the substance of the answers received in all cases to the questions so transmitted as aforesaid.

Annual
return to be
made to her
majesty in
council of
residents
and non-re-
sidents, &c.

LIV. And be it enacted, that in every case in which it shall appear to the bishop that any spiritual person holding any benefice within his diocese, and not having a licence to reside elsewhere than in the house of residence belonging thereto, nor having any legal cause of exemption from residence, does not sufficiently, according to the true meaning and intent of this act, reside on such benefice, it shall be lawful for such bishop, instead of proceeding for penalties under this act, or for penalties incurred before the passing of this act under the act of the fifty-seventh year of his majesty king *George* the third, or after proceeding for the same, to issue or cause to be issued a monition to such spiritual person, requiring him forthwith to proceed to and to reside on such benefice, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof; provided that in every such case there shall be thirty days between the time of serving such monition on such spiritual person, in the manner hereinafter directed, and the time specified in such monition for the return thereto; and the spiritual person on whom any such monition shall be served shall, within the time specified for that purpose, make a return thereto into the registry of the diocese, to be there filed; and it shall be lawful for the bishop to whom any such return shall be made to require such return or any fact contained therein to be verified by evidence; and in every case where no such return shall be made, or where such return shall not state such reasons for the non-residence of such spiritual person as shall be deemed satisfactory by the bishop, or where such return, or any of the facts contained therein, shall not be so verified as aforesaid, when such verification shall have been required, it shall be lawful for the bishop to issue an order in writing under his hand and seal, requiring such spiritual person to proceed and reside as aforesaid within thirty days after

Residence
may be en-
forced by
monition, or
the living
sequestered.

such order shall have been served upon him in like manner as is hereinafter directed with respect to the service of monitions; and in case of non-compliance with such order it shall be lawful for the bishop to sequester the profits of such benefice until such order shall be complied with, or such sufficient reasons for non-compliance therewith shall be stated and proved as aforesaid, and to direct, by any order to be made for that purpose under his hand, and filed as aforesaid, the application of such profits, after deducting the necessary expenses of serving the cure, either in the whole or in such proportions as he shall think fit, in the first place to the payment of the penalties proceeded for, if any, and of such reasonable expenses as shall have been incurred in relation to such monition and sequestration, and in the next place towards the repair or sustentation of the chancel, house of residence of such benefice, or of any of the buildings and appurtenances thereof, and of the glebe and demesne lands, and in the next place, where such benefice shall be likewise under sequestration at the suit of any creditor, then towards the satisfaction of such last mentioned sequestration; and after the satisfaction thereof, then and in the next place towards the augmentation or improvement of any such benefice, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards the improvement of any of the glebe or demesne lands thereof, or to order and direct the same or any portion thereof to be paid to the treasurer of the governors of the bounty of queen *Anne*, for the purposes of the said bounty, as such bishop shall, in his discretion, under all circumstances, think fit and expedient; and it shall also be lawful for the bishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to such spiritual person any proportion of such sequestered profits, or to cause the same or any part thereof, whether the same remain in the hands of the sequestrator or shall have been paid to the said treasurer, to be paid to such spiritual person; and every such sequestrator at the suit of the bishop, is hereby required, upon receiving an order under the hand of such bishop, forthwith to obey the same; and the said treasurer is hereby authorized and required, upon receiving a like order from such bishop, to make such payment out of any money in his hands: provided always, that any such spiritual person may, within one month after service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits that shall have been so sequestered as aforesaid, for the return of the same or any part thereof to such spiritual person, or to such sequestrator at the suit of any creditor, (as the case may be), or otherwise as may appear to such archbishop to be just and proper; but nevertheless such sequestration shall be in force during such appeal.

Appeal
against se-
questration
to the arch-
bishop.

Incumbents
returning to
residence on
monition to
pay the costs

LV. And be it enacted, that every spiritual person to whom any such monition or order in writing shall be issued as aforesaid, who shall be at the time of the issuing thereof absent from his benefice, contrary to the provisions of this act, but who shall forthwith obey such monition or order, and the profits of whose benefice shall by reason of such obedience not be sequestered, shall nevertheless pay

all costs, charges, and expenses incurred by reason of the issuing and serving such monition or order, and that the proceedings thereon shall not be stayed until such payment shall be made.

LVI. And for effectually enforcing *bona fide* residence according to the intent of such monition and order, be it enacted, that if any spiritual person, not having a licence to reside out of the limits of his benefice, nor having other lawful cause of absence from the same, who after any such monition or order as aforesaid requiring him to reside, and before or after any such sequestration as aforesaid, shall in obedience to any such monition or order have begun to reside upon his benefice, shall afterwards, and before the expiration of twelve months next after the commencement of such residence, wilfully absent himself from such benefice for the space of one month together, or to be accounted at several times, it shall be lawful for the bishop, without issuing any other monition or making any order, to sequester and apply the profits of such benefice, as before directed by this act, for the purpose of enforcing the residence of such spiritual person, according to the true intent of the original monition issued by the bishop as aforesaid; and it shall be lawful for the bishop so to proceed in like cases from time to time as often as occasion may require; provided that in each such case such spiritual person may, within one month after the service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits sequestered, or to any part thereof, as to him may seem just and proper, but nevertheless such sequestration shall be in force during such appeal.

Incumbent returning to residence on monition, but again absents himself within twelve months, the bishop may, without further monition sequester.

LVII. And be it enacted, that in every case in which any archbishop or bishop shall think proper, after proceeding by monition for the recovery of any penalty under this act for non-residence of more than one-third part of the yearly value of any benefice for any non-residence exceeding six months in the year, to remit the whole or any part of any such penalty, such archbishop shall forthwith transmit to her majesty in council, and such bishop shall forthwith transmit to the archbishop of the province to which he belongs, a statement of the nature and special circumstances of each case, and the reasons for the remission of any such penalty; and it shall thereupon be lawful for her majesty in council, or for the archbishop, as the case may be, to allow or disallow such remission in whole or in part, in the same manner as is provided in this act with relation to the allowance or disallowance of licences of non-residence granted in cases not hereinbefore expressly enumerated: provided always, that the decision of the archbishop with respect to cases transmitted to him from a bishop shall be final.

Reasons for remitting penalties for non-residence of a certain amount to be transmitted to the queen in council.

LVIII. And be it enacted, that if the benefice of any spiritual person shall continue for the space of one whole year under sequestration issued under the provisions of this act for disobedience to the bishop's monition or order requiring such spiritual person to reside on his benefice, or if such spiritual person shall, under the provisions of this act, incur two such sequestrations in the space of two years, and shall not be relieved with respect to either of such sequestrations upon appeal, such benefice shall thereupon become void; and

Benefice continuing so sequestered one year, or being twice so sequestered within two years, to become void.

it shall be lawful for the patron of such benefice to make donation or to present or nominate to the same as if such spiritual person were dead, and the bishop, on such benefice so becoming void, shall give notice in writing under his hand to such patron, which notice shall either be delivered to such patron or left at his usual place of abode, or if such patron or place of abode shall be unknown, or shall be out of *England*, such notice shall be twice inserted in the *London Gazette*, and also twice in some newspaper printed and usually circulated in *London*, and in some other newspaper usually circulated in the neighbourhood of the place where such benefice is situate; and for the purposes of lapse the avoidance of the benefice shall be reckoned from the day on which such notice shall have been delivered as aforesaid, or from the day on which six months shall have expired after the second publication of such notice in the *London Gazette*, as the case may be; and every such notice in the *Gazette* and newspapers shall state that the patron or the place of abode of the patron is unknown, or that he is said to be out of *England*, as the case may be, and that the benefice will lapse, at the furthest, after the expiration of one year from the second publication thereof as aforesaid; and upon any such avoidance it shall not be lawful for the patron to appoint by donation or present or nominate to such benefice so avoided the person by reason of whose non-residence the same was so avoided.

Contracts for letting houses in which any spiritual persons required by bishop to reside to be void.

Penalty for holding adverse possession forty shillings for every day.

LIX. And be it enacted, that any agreement made for the letting of the house of residence, or the buildings, gardens, orchards, or appurtenances necessary for the convenient occupation of the same, belonging to any benefice, to which house of residence any spiritual person may be required, by order of the bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a residence to any curate by the bishop, shall be made in writing, and shall contain a condition for avoiding the same, upon a copy of such order, assignment, or appointment being served upon the occupier thereof, or left at the house, and otherwise shall be null and void; and a copy of every such order, assignment, or appointment shall immediately on the issuing thereof be transmitted to one of the churchwardens of the parish, or such other person as the bishop shall think fit, and be by him forthwith served on the occupier of such house of residence, or left at the same; and any person continuing to hold any such house of residence, or any such building, garden, orchard, or appurtenances, after the day on which such spiritual person shall be directed by such order to reside in such house of residence, or which shall be specified in any such order, assignment, or appointment, and after such copy shall be so served or left as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the bishop in writing under his hand for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or appurtenances, together with the expense of serving or leaving such order, assignment, or appointment, to be allowed by the bishop issuing the order or making such assignment or appointment; and it shall also be lawful for the spiritual person so directed to reside, or the curate to whom any such residence is assigned, to apply to any justice of the peace

having jurisdiction in the place for a warrant for the taking possession thereof; and the justice to whom any such order for such possession is produced shall and he is hereby required, upon its being duly verified, to grant a warrant to some peace officer to deliver such possession, and possession may thereupon be taken of such house under such warrant at any time in the daytime, by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise, any law or statute to the contrary notwithstanding; provided that any person who shall have been in possession of any such house of residence or premises under a verbal agreement only, or under any agreement in which the condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of possession by virtue of this act, shall be entitled to sue the person with whom he or she had entered into such agreement for damages occasioned by his or her being so turned out of possession, to be recovered in any of her majesty's superior courts at *Westminster*.

LX. Provided always, and be it enacted, that no spiritual person shall be liable to any penalty for not residing in any such house of residence during such time as such tenant shall continue to occupy such house of residence or other building or appurtenances necessary to the occupation of the same. Incumbent not liable to penalty for non-residence while the tenant occupies.

LXI. And be it enacted, that no oath shall be required of or taken by any vicar in relation to residence on his vicarage; any law, custom, constitution, or usage to the contrary notwithstanding. Vicar's oath relating to residence abolished.

LXII. And be it enacted, that upon or at any time after the avoidance of any benefice it shall be lawful for the bishop and he is hereby required to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction, but locally situate in another diocese, then to four beneficed clergymen of such last mentioned diocese, one of whom shall be the rural dean (if any) of the rural deanery or district wherein such benefice shall be situate, directing them to inquire whether there is a fit house of residence within such benefice, and what are the annual profits of such benefice, and if the clear annual profits of such benefice exceed one hundred pounds whether a fit house of residence can be conveniently provided on the glebe of such benefice, or otherwise; and if the said commissioners, or any three of them, shall report in writing under their hands to the said bishop that there is no fit house of residence within such benefice, and that the clear annual profits of such benefice exceed one hundred pounds, and that a fit house of residence can be conveniently provided on the glebe of such benefice, or on any land which can be conveniently procured for the site of such house of residence, it shall be lawful for the said bishop and he is hereby required to procure from some skilful and experienced workman or surveyor a certificate containing a statement of the condition of the buildings (if any), and of the value of the timber and other materials (if any) thereupon fit to be employed in building or repairing or to be sold, and also a plan or estimate of the work fit and proper to be done for building or repairing such house of residence, with all necessary and convenient offices, and thereupon, by mortgage of the glebe, tithes, rents, rent charges, and other profits and On avoidance of benefice not having fit house of residence bishop to raise money to build one by mortgage of glebe, &c, for thirty-five years.

emoluments, arising or to arise from such benefice, to levy and raise such sum or sums as the said estimate shall amount to, after deducting the value of any timber or other materials which may be thought proper to be sold, not exceeding four years net income and produce of such benefice, after deducting all outgoings, (except only the salary of the assistant curate where such a curate is necessary), which mortgage shall be made to the person or persons who shall advance the money so to be levied and raised for the term of thirty-five years, or until the money so to be raised, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied according to the provisions of this act; and the same mortgage shall be made by one or more deed or deeds in the form or to the effect for that purpose contained in the second schedule to this act, and shall bind the incumbent of such benefice for the time being and his successors until the principal and interest, costs and charges, shall be fully paid off and satisfied, and every incumbent for the time being is hereby made liable to the payment of so much of the principal, interest, and costs as under the directions hereinafter contained shall become payable during the time he shall be such incumbent, and every such incumbent and his representatives shall be and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent or avoidance of such benefice according to the directions hereinafter contained, which said principal, interest, and costs, and the proportion of payment growing at the time of the death of such incumbent or of such avoidance, shall and may be recovered by action of debt in any court of record.

Bishop to transmit copies of report, &c. to patron and incumbent, who may object within two months, and if so bishop may order plan to be modified or abandoned.

LXIII. Provided always, and be it enacted, that the said bishop shall cause to be transmitted to the patron and the incumbent (if any) of such benefice copies of the report so to be made by such commissioners, and of the plan, estimate, and certificate so to be made by such workman or surveyor, two calendar months at the least before making any such mortgage as aforesaid; and that in case the patron and the incumbent, or either of them, shall object to the proposed site for a residence, or to the proposed plan for erecting or repairing such residence, or to the amount proposed to be raised, and shall deliver such objections in writing to the said bishop before the expiration of such period of two calendar months, the said bishop shall have full power to direct that the plan proposed to be carried into effect shall be altered or modified in such manner as he may think fit: provided also, that if the bishop shall, after receiving the report to be made by such commissioners, be of opinion that it is not expedient under the special circumstances of any such benefice to levy and raise any sum or sums of money by mortgage as hereinbefore required, or otherwise to take measures for providing a fit house of residence for such benefice, he shall state in detail such special circumstances and the grounds of his opinion in the next annual return to be made by him to her majesty in council, according to the directions hereinbefore contained.

Every mortgagee to execute a counterpart of the

LXIV. And be it enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage

shall be registered in the office of the registrar of the bishop of the diocese, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search; and the said deed, or a copy thereof certified under the hand of the registrar, shall be allowed as legal evidence, in case any such mortgage deed shall happen to be lost or destroyed.

mortgage, to be kept by the incumbent, &c.

LXV. And be it enacted, that whenever the principal and interest directed to be paid to the mortgagee under the provisions of this act shall be in arrear and unpaid for the space of forty days after the same shall become due, it shall be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

On failure of payment of principal and interest for forty days after due, mortgagee may distrain.

LXVI. And be it enacted, that the money so to be raised shall be paid into the hands of such person or persons as shall be nominated and appointed by the bishop of the diocese by writing under his hand to receive and apply the same for the purposes aforesaid, in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money; and the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the said bishop and shall be specified in an instrument written upon parchment and signed by him, and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs, according to the terms of such agreements, and also the expenses of preparing the mortgage deed and incident thereto, and of making such certificate, plan, and estimate, and copies thereof as aforesaid, and shall take proper receipts and vouchers for the same; and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with the vouchers for the same, and enter them in a book fairly written, which shall be signed by him, and laid before the bishop of the diocese and examined by him, and when allowed by writing under his hand, such allowance shall be a full discharge to the person so nominated in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said bishop, by order signed by him; and an account shall also be kept, made out, and allowed, of such further disbursements in manner aforesaid; all which accounts when made out, completed, and allowed, shall be deposited with the vouchers in the

Money borrowed to be paid to such persons as the bishop shall appoint

who shall contract for the buildings, &c. and see the same executed, and pay for them, &c.

How the balance remaining shall be disposed of.

hands of the said registrar, and kept by him for the use and benefit of the incumbents of such benefice for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar or deputy registrar the sum of one shilling for every such inspection.

Directions
for payment
of principal
and interest
of the mort-
gages.

As soon as
the build-
ings are
completed,
incumbent
to insure
them against
fire.

For propor-
tioning the
annual pay-
ment, in case
of death or
other avoid-
ance.

All money
received for
dilapidations
&c. shall be
applied in
part of the
payments
under the
aforesaid
estimate;

LXVII. And be it enacted, that the incumbent of every such benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable) yearly and every year (such year to be computed from the date of such mortgage) pay to the mortgagee one thirtieth part of the principal sum until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the yearly interest on the principal sum, or so much thereof as shall from time to time remain unpaid; and that every such incumbent shall annually, at his own expense, from the time such buildings authorised to be made by this act shall be completed, insure at one of the public offices established in *London* or *Westminster* for insurance of houses and buildings, the house and other buildings upon such glebe against accidents by fire, at such sum of money as shall be determined upon by the bishop; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such insurance, the bishop shall have power to sequester the profits of the benefice till such payment or insurance shall be made.

LXVIII. And be it enacted, that the sum payable at the end of any year in which there shall be an avoidance of such benefice shall be apportioned between the successor and the incumbent avoiding such benefice by death or otherwise, or his representatives, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death or avoidance shall happen; and that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the bishop, whose determination shall be final and conclusive between the parties.

LXIX. And be it enacted, that all sums of money recovered or received, by suit or compositions, from the representatives of any former incumbent of such benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied as soon as received in payment of the principal then due, as far as the same will extend; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations

shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the bishop, in case such nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such benefice, to be approved by the bishop; and in the meantime, or in case such buildings shall not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

or in making some additional improvements, &c.

LXX. And be it further enacted, that where new buildings are necessary to be provided for the residence of the incumbent of any benefice exceeding in value one hundred pounds a year, and avoided after the passing of this act, and where such new buildings cannot be conveniently erected on the glebe of such benefice, it shall be lawful for the bishop to contract, or to authorize, if he shall think fit, the person so to be nominated by him as aforesaid to contract, for the absolute purchase of any house or buildings in a situation convenient for the residence of the incumbent of such benefice, and also to contract for any land adjoining or lying convenient to such house or building, or to contract for any land upon which a fit house of residence can be conveniently built, and to raise the purchase money for such house or buildings and land adjoining, or for such land upon which a house of residence can be conveniently built (as the case may be), by mortgage of the glebe, tithes, rents, and other profits and emoluments arising or to arise from such benefice, in the same manner in all respects as is hereinbefore directed with respect to the mortgage hereinbefore authorized or directed to be made, which mortgage shall be binding upon the incumbent and his successors, and he and they and their representatives are hereby made liable to the payment of the principal, interest, and costs, in the same manner and to the same extent as hereinbefore directed with respect to the aforesaid mortgage; and the receipt of such nominee or nominees as aforesaid shall be a sufficient discharge to the person or persons who shall advance or pay the money so to be raised: provided always, that no greater sum shall be charged on any benefice under the authority of this act than four years net income and produce of such benefice (after such deduction as aforesaid.)

Where new buildings are necessary for the residence of the incumbent, the bishop may purchase any conveniently situated house, and a certain portion of land.

LXXI. And be it enacted, that the buildings and lands so to be purchased shall be conveyed to the patron of such benefice and his heirs or successors, as the case may be, in trust for the sole use and benefit of the incumbent of such benefice for the time being and his successors, and shall be annexed to such benefice, and be enjoyed and go in succession with the same for ever; but no contract of purchase made by the nominee shall be valid until confirmed by the bishop by writing under his hand; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner and in such office as the other deeds are hereby directed to be registered.

Buildings and lands to be conveyed to patron in trust for the incumbent for the time being.

LXXII. And be it enacted, that it shall be lawful for the governors authorized or appointed to regulate and superintend the bounty given by her late majesty queen *Anne* for the augmentation of the maintenance of the poor clergy, to advance and lend out of the

Governors of queen Anne's bounty empowered to lend certain sums to

promote the execution of this act.

money which has arisen or shall from time to time arise from that bounty, for promoting and assisting the purposes of this act, any sum not exceeding the amount hereby authorized to be raised upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Colleges in Oxford and Cambridge and other corporate bodies, patrons of livings, may lend any sums without interest, to aid the execution of this act.

LXXIII. And be it enacted, that it shall be lawful for any college or hall within the universities of *Oxford* and *Cambridge*, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation and convenience of the clergy, upon benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

Allowance to person nominated by the bishop to pay and apply money.

LXXIV. And be it enacted, that it shall be lawful for the said bishop, by writing under his hand, to make such allowance to the person or persons to be nominated by him for the purpose of paying and applying the money so to be raised as aforesaid as he shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

Non-resident incumbents neglecting to appoint curates, the bishop to appoint.

LXXV. And be it enacted, that if any spiritual person holding any benefice, who shall not actually reside thereon nine months in each year, (unless such person shall, with the consent of the bishop, from time to time, signified in writing under his hand and revocable at any time, perform the ecclesiastical duties of the same, he either being resident on another benefice, of which he shall also be the incumbent, or having a legal exemption from residence on his benefice, or having a licence to reside out of the same, or to reside out of the usual house of residence belonging to the same), shall for a period exceeding three months altogether, or to be accounted at several times, in the course of any one year absent himself from his benefice, without leaving a curate or curates duly licensed or approved by the bishop to perform such ecclesiastical duties, or shall, for a period of one month after the death, resignation, or removal of any curate who shall have served his church or chapel, neglect to notify such death, resignation, or removal to the bishop, or shall for the period of four months after the death, resignation, or removal of such curate neglect to nominate to the bishop a proper curate, in every such case the bishop is hereby authorized to appoint and licence a proper curate, with such salary as is by this act allowed and directed, to serve the church or chapel of the benefice in respect of which such neglect or default shall have occurred: provided always, that such licence shall in every case specify whether the curate is required to reside within the parish or place, or not; and if the curate is permitted by the bishop to reside out of the parish or place, the grounds upon which the curate is so permitted to reside out of the same shall be specified in such licence; and the distance of the residence of any curate from any such church or chapel which he shall be licensed to serve shall

not exceed three statute miles, except in cases of necessity, to be approved by the bishop, and specified in the licence.

LXXVI. And be it enacted, that in every case where a curate is appointed to serve in any benefice upon which the incumbent either does not reside or has not satisfied the bishop of his full purpose to reside during four months in the year, such curate shall be required by the bishop to reside within the parish or place in which such benefice is situate, or if no convenient residence can be procured within such parish or place, then within three statute miles of the church or chapel of the benefice in which he shall be licensed to serve, except in cases of necessity, to be approved of by the bishop, and specified in the licence, and such place of residence shall also be specified in the licence.

Curate to reside on benefices, under certain circumstances.

LXXVII. And be it enacted, that whenever the bishop shall see reason to believe that the ecclesiastical duties of any benefice are inadequately performed, it shall be lawful for him to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction but locally situate in another diocese then to four beneficed clergymen of such last-mentioned diocese, one whereof shall be the rural dean, if any, of the rural deanery or district wherein such benefice is situated, directing them to inquire into the facts of the case; and it shall be lawful for the incumbent of the said benefice to add to such commissioners one other incumbent of a benefice within the same diocese; and if the said commissioners or the major part of them report in writing under their hands to the said bishop that in their opinion the duties of such benefice are inadequately performed, it shall be lawful for such bishop, if he shall see fit, by writing under his hand, to require the spiritual person holding such benefice, though he may actually reside or be engaged in performing the duties thereof, to nominate to him a fit person or persons, with sufficient stipend or stipends, to be licensed by him to perform or to assist in performing such duties, specifying therein the grounds of such requisition; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the bishop to appoint and license a curate or curates, as the case shall appear to him to require, with such stipend or stipends as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act in the case of non-resident incumbents, nor, except in the case of negligence, exceeding one half of the net annual value of such benefice; and such bishop shall cause a copy of every such requisition, and the evidence to found the same to be forthwith filed in the registry of his court: provided always, that it shall be lawful for any such spiritual person within one month after the service upon him of such requisition to nominate a curate, or of notice of any such appointment and license of such curate or curates, to appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may seem just and proper.

If duty inadequately performed, the bishop may appoint a curate;

but incumbent may appeal.

LXXVIII. And be it enacted, that whenever the annual value of any benefice the incumbent whereof was not in possession at the time of the passing of this act shall exceed five hundred pounds, and

In large benefices an assistant curate may be required.

the population thereof shall amount to three thousand persons, or though the population do not amount to three thousand persons, if there be in the said benefice a second church or chapel situated not less than two miles from the mother church, and with a hamlet or district connected with it containing four hundred persons, it shall be lawful for the bishop, if he shall see fit, to require the spiritual person holding such benefice, although he shall be resident thereon or engaged in performing the duties thereof, to nominate a fit and proper person to be licensed as a curate to assist in performing the duties of such benefice, and to be paid by the person holding the same; and if a fit person shall not be nominated to the bishop within three months after his requisition for that purpose shall have been delivered to the incumbent, or left at his last or usual place of abode, it shall be lawful for the bishop to appoint and license a curate, with such stipend as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act, nor in any case exceeding one fifth part of the net annual value of the benefice: provided always, that such spiritual person may, within one month after service upon him of such requisition to nominate a curate, or of notice of any such appointment of a curate, appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.

Appeal.

Stipend to be paid by committee of lunatic's estate.

LXXIX. And be it enacted, that in case of a stipend being assigned by the bishop, according to the provisions of this act, to the curate of any benefice, the incumbent whereof shall have been duly found a lunatic or person of unsound mind, the committee of the estate of any such lunatic or person of unsound mind shall pay such stipend to such curate out of the profits of the benefice which shall come to his hands.

Bishops may enforce two services on Sundays in certain cases

LXXX. And be it enacted, that it shall be lawful for the bishop, in his discretion, to order that there shall be two full services, each of such services, if the bishop shall so direct, to include a sermon or lecture on every *Sunday* throughout the year, or any part thereof, in the church or chapel of every or any benefice within his diocese, whatever may be the annual value or the population thereof; and also in the church or chapel of every parish or chapelry, where a benefice is composed of two or more parishes or chapelries, in which there shall be a church or chapel, if the annual value of the benefice arising from that parish or chapelry shall amount to one hundred and fifty pounds, and the population of that parish or chapelry shall amount to four hundred persons: provided always, that nothing herein contained shall be taken to repeal or affect the provisions of an act passed in the fifty-eighth year of the reign of his majesty king *George* the third, intituled *an act for building and promoting the building of additional churches in populous parishes*, by which the bishop of any diocese is empowered to direct the performance of a third or additional service in the several churches or chapels within his diocese under the circumstances therein mentioned.

Not to affect the provision of the act 58 G. 3, c. 45, s. 65.

Statement of particulars necessary to be given, and declaration to be made,

LXXXI. And be it enacted, that every bishop to whom any application shall be made for any licence for a curate to serve for any person not duly residing upon his benefice shall, before he shall grant such licence, require a statement of all the particulars by this

act required to be stated by any person applying for a licence for non-residence; and in every case in which application shall be made to any bishop for a licence for any stipendiary curate to serve in any benefice, whether the incumbent be resident or non-resident, such bishop shall also require a declaration in writing to be made and subscribed by the incumbent and the curate, to the purport and effect that the one *bona fide* intends to pay, and the other *bona fide* intends to receive, the whole actual stipend mentioned in such statement, without any abatement in respect of rent or consideration for the use of the glebe house, and without any other deduction or reservation whatever.

on applica-
tion for a
licence for
a curate.

LXXXII. And be it enacted, that every curate obtaining such licence as aforesaid shall pay to the secretary or other proper officer of the bishop for the same the sum of ten shillings, over and above any stamp duty which may be chargeable thereon, which sum of ten shillings shall be in lieu of all fees heretofore demandable by such secretary or officer for such licence, or for any certificate connected therewith; and that whenever any person shall be licensed to two curacies within the same diocese at the same time, it shall be sufficient for such person to sign a declaration appointed to be signed by an act, intituled *an act of uniformity*, once only; and it shall be sufficient for such person to produce one certificate only of his having so signed such declaration.

Fee for
licence.

LXXXIII. And be it enacted, that it shall be lawful for the bishop of the diocese and he is hereby required, subject to the several provisions and restrictions in this act contained, to appoint to every curate of a non-resident incumbent such stipend as is specified in this act; and every licence to be granted to a stipendiary curate, whether the incumbent of the benefice be resident or non-resident thereon, shall specify the amount of the stipend to be paid to the curate; and in case any difference shall arise between the incumbent of any benefice and his curate touching such stipend, or the payment thereof or of the arrears thereof, the bishop, on complaint to him made, may and shall summarily hear and determine the same, without appeal; and in case of wilful neglect or refusal to pay such stipend, or the arrears thereof, he is hereby empowered to enforce payment of such stipend, or the arrears thereof, by monition, and by sequestration of the profits of such benefice.

Bishop shall
appoint
stipends to
curates;

and decide
differences
respecting
them.

LXXXIV. And be it enacted, that it shall not be lawful for the bishop to appoint for the curate of any benefice, to which the spiritual person holding the same was instituted, licensed, or otherwise admitted before the twentieth day of *July* one thousand eight hundred and thirteen, any stipend exceeding seventy-five pounds *per annum*, together with the use of the house of residence, and the gardens and stables belonging thereto, or a further sum of fifteen pounds in lieu of the use of the rectory or vicarage house, or other house of residence, in case there shall be no house, or it shall not appear to the bishop convenient to assign the house to the curate.

Stipends to
curates of
incumbents
before 20th
July 1813
not to exceed
a certain
rate.

LXXXV. And be it enacted, that in every case in which any spiritual person shall have been, since the twentieth day of *July* one thousand eight hundred and thirteen, or shall hereafter be instituted, inducted, nominated, or appointed to, or otherwise become incumbent

Stipends to
curates to
be according
to specified
scale, pro-
portioned to

the value and
population of
the benefice.

of any benefice, and shall not duly reside thereon, the bishop shall appoint for the curate licensed under the provisions of this act to serve such benefice such stipend as is hereinafter next mentioned; (that is to say), such stipend shall in no case be less than eighty pounds *per annum*, or than the annual value of the benefice, if such value shall not amount to eighty pounds; nor less than one hundred pounds *per annum*, or than the whole value, if such value shall not amount to one hundred pounds, in any parish or place where the population shall amount to three hundred persons; nor less than one hundred and twenty pounds *per annum* or than the whole value, if such value shall not amount to one hundred and twenty pounds, in any parish or place where the population shall amount to five hundred persons; nor less than one hundred and thirty-five pounds *per annum*, or than the whole value, if such value shall not amount to one hundred and thirty-five pounds, in any parish or place where the population shall amount to seven hundred and fifty persons; nor less than one hundred and fifty pounds *per annum*, or than the whole value, if such value shall not amount to one hundred and fifty pounds, in any parish or place where the population shall amount to one thousand persons.

Larger sti-
pends in
certain cases
of larger
value and
population.

Bishop may
require two
curates.

Appeal.

Smaller
stipends
in certain
cases.

LXXXVI. And be it enacted, that where the annual value of any such benefice shall exceed four hundred pounds, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, a stipend of one hundred pounds, notwithstanding the population may not amount to three hundred persons; and that where the annual value of any such benefice shall exceed four hundred pounds, and the population shall amount to five hundred persons, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, any larger stipend, so that the same shall not exceed by more than fifty pounds *per annum* the amount of the stipend hereinbefore required to be assigned to any such curate; and that where the population of any such benefice shall exceed two thousand persons, it shall be lawful for the bishop to require the incumbent thereof to nominate to him two persons to be licensed as curates; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as afore-said, it shall be lawful for the bishop to appoint and license two curates or a second curate, and in all and every of such cases to assign to each curate so nominated or appointed such stipend as he shall think fit, not exceeding together the highest rate of stipend allowed by this act in the case of one such curate, except in cases where the incumbent shall consent to a larger stipend: provided always, that such incumbent may within one month after service upon him of such requisition, or of notice of any such appointment of two curates or a second curate, appeal to the archbishop of the province, who shall approve or revoke such requisition or confirm or annul such appointment, as to him may appear just and proper.

LXXXVII. And be it enacted, that in every case in which the bishop shall be satisfied that any spiritual person holding any benefice within his diocese is non-resident, or has become incapable of performing the duties thereof from age, sickness, or other unavoid-

able cause, and that, from these or from any other special and peculiar circumstances, great hardship or inconvenience would arise if the full stipend specified in this act should be allowed to the curate of such benefice, it shall be lawful for such bishop, with the consent of the archbishop of the province, to be signified in writing under the hand of the said archbishop upon the licence to be granted to such curate, to assign to the curate such stipend less than the full amount in this act specified as shall appear to him just and reasonable: provided always, that in the licence granted in every such case it shall be stated that for special reasons the bishop hath not thought proper to assign to the curate the full stipend required by this act: provided also, that such special reasons shall be entered fully in a separate book to be kept for that purpose, and to be deposited in the registry of the diocese, which book shall be open to inspection with the leave of the bishop, as in the cases of application for licences for non-residence.

LXXXVIII. And be it enacted, that if any incumbent of two benefices, residing *bona fide* in different proportions of every year on one or other of such benefices the full period specified by this act, shall employ a curate to perform ecclesiastical duty interchangeably from time to time upon such of the benefices from which he shall be absent during his own actual residence upon the other thereof, it shall be lawful for the bishop to assign to such curate any stipend not exceeding such stipend as would be allowed under this act for the larger of such benefices, nor less than would be allowed for the smaller, as to the bishop shall under all the circumstances appear just and reasonable: provided always, that if any such incumbent shall employ a curate or curates for the whole year upon each of such benefices, such incumbent so residing *bona fide* as aforesaid, in such case it shall be lawful for the bishop to assign to either or each of such curates any such stipend less than the amount specified in this act as he shall think fit.

Stipend of curate engaged to serve interchangeably at different benefices belonging to the same incumbent.

LXXXIX. And be it enacted, that in every case where the bishop shall find it necessary or expedient for obtaining the proper performance of ecclesiastical duties to license any spiritual person holding any benefice to serve as curate of any adjoining or other parish or place, it shall be lawful for such bishop, if he shall think fit, to assign to such person so licensed a stipend less by a sum not exceeding thirty pounds *per annum* than the stipend which in the several cases in this act specified the bishop is required to assign; and in every case where the bishop shall find it necessary or expedient to license the same person to serve as curate for two parishes or places, it shall be lawful for such bishop, if he shall think fit, to direct that during such time as such curate shall serve the churches or chapels of such two parishes or places the stipend to be received by him for serving each of the said churches or chapels shall be less by a sum not exceeding thirty pounds *per annum* than the stipend which in the several cases hereinbefore specified the bishop is required by this act to assign.

How the stipends shall be adjusted where the curate is permitted to serve in two adjoining parishes.

XC. And be it enacted, that all agreements made or to be made between persons holding benefices and their curates, in fraud or derogation of the provisions of this act, and all agreements whereby

Agreements for stipends to curates contrary to this act void.

any curate shall undertake or in any manner bind himself to accept or be content with any stipend less than that which shall be assigned by his licence, shall be void to all intents and purposes, and shall not be pleaded or given in evidence in any court of law or equity; and, notwithstanding the payment and acceptance, in pursuance of any such agreement, of any sum less than that assigned by the licence, or any receipt, discharge, or acquittance that may be given for the same, the curate and his personal representatives shall be and remain entitled to the full amount of the stipend assigned by his licence; and the payment of so much thereof as shall be proved to the satisfaction of the bishop to remain unpaid shall, together with full costs of recovering the same as between proctor and client, be enforced by monition, and by sequestration of the profits of the benefice, to be issued by the bishop for that purpose on application made by the curate or his representatives; provided that such application shall in every such case be made to the bishop within twelve months after such curate shall have quitted his curacy, or have died.

Curate's stipend, if of the value of the benefice, liable to all charges.

XCI. And be it enacted, that in every case in which the bishop shall assign to any curate a stipend equal to the whole annual value of the benefice in which he is licensed to serve, such stipend shall be subject to deduction in respect to all such charges and outgoings as may legally affect the value of such benefice, and to any loss or diminution which may lessen such value, without the wilful default or neglect of the spiritual person holding the benefice.

Bishop may allow incumbent to deduct from curate's stipend for repairs to a limited amount, in certain cases

XCII. And be it enacted, that in every such case as last aforesaid it shall be lawful for the bishop, upon the application of the spiritual person holding the benefice, to allow such spiritual person to retain in each year so much money, not exceeding in any case one fourth part of the annual value, as shall have been actually expended during the year in the repair of the chancel and of the house of residence and premises and appurtenances thereto belonging, in respect of which such spiritual person, or his executors or administrators, would be liable for dilapidations to the successor; and it shall also be lawful for the bishop in like manner to allow any spiritual person holding any benefice the annual value whereof shall not exceed one hundred and fifty pounds to deduct from the stipend assigned to the curate in each year so much money as shall have been actually expended in such repairs above the amount of the surplus remaining of such value after payment of such stipend; provided that the sum so deducted, after laying out such surplus, shall not in any year exceed one-fourth part of such stipend.

Curate directed to reside in parsonage house, in case of non-residence of incumbent, may have certain portion of glebe assigned to him by bishop.

XCIII. And be it enacted, that it shall be lawful for the bishop who shall have granted any licence to any curate to serve in any benefice the incumbent whereof is not resident for four months in each year, and who shall have required such curate to reside in the the house of residence belonging to the benefice, to assign to such curate such house of residence, together with the offices, stables, gardens, and appurtenances thereto belonging, or any part or parts thereof, without payment of any rent, and also to assign any portion of glebe land adjacent to the house, and not exceeding four statute acres, at such rent as shall be fixed by the archdeacon of the archdeaconry, or by the rural dean, if any, of the deanery or district

within which the benefice is situate, and one neighbouring incumbent, and approved of by the bishop, during the time of such curate's serving the cure, or during the non-residence of the incumbent of such benefice; and it shall be lawful for the bishop making any such assignment to any curate to sequester the profits of the benefice in any case in which possession of the premises so assigned shall not be given up to the curate, and until such possession shall be given, and to direct the application of the profits arising from such sequestration as is hereinbefore directed in the case of sequestration for non-residence, or to remit the same or any part thereof, as the bishop shall in his discretion think fit.

XCIV. And be it enacted, that in every case where the bishop shall assign to the curate licensed to serve in any benefice a stipend not less than the whole value of the same, and shall in addition to such stipend direct that such curate shall reside in the house of residence belonging to such benefice, such curate shall be liable during the time of his serving such cure to the same taxes and parochial rates and assessments, in respect of such house, premises, and appurtenances thereto belonging, as if he had been incumbent of the benefice: provided always, that in every other case in which the curate shall so reside by direction of the bishop it shall be lawful for such bishop, if he shall think fit, to order that the incumbent shall pay to the curate all or any part of such sums as he may have been required to pay and shall have actually paid within one year ending at *Michaelmas Day* next preceding the date of such order for any such taxes, parochial rates, or assessments as shall become due at any time after the passing of this act, and the bishop may, if necessary, enforce payment thereof by monition, and sequestration of the profits of such benefice.

Curates to pay taxes of parsonage houses in certain cases

XCV. And be it enacted, that every curate shall quit and give up the cure of any benefice which shall become vacant upon having six weeks' notice from the spiritual person admitted, collated, instituted, or licensed to such benefice, provided such notice shall be given within six months from the time of such admission, collation, institution, or licence; and that in all other cases it shall be lawful for the incumbent of any benefice, whether resident or non-resident thereon, having first obtained the permission of the bishop of the diocese, to be signified by writing under his hand, to require any one or more of his curates, who after the passing of this act shall be licensed to any curacy, to quit and give up his curacy upon six months' notice thereof given to the curate, who shall thereupon quit the same according to such notice: provided always, that any incumbent resident on his benefice, or not resident but desiring to reside on his benefice, may, within one month after refusal of such permission as aforesaid by the bishop, appeal to the archbishop of the province, who shall either confirm such refusal or grant such permission as to him may seem just and proper.

Curate to quit cure upon having six weeks' notice from new incumbent within six months after his admission, and in other cases incumbent, with bishop's permission, may dispossess curate of cure on six months' notice.

Appeal.

XCVI. And be it enacted, that every curate who shall reside in the house of residence of any benefice which shall become vacant shall peaceably deliver up possession thereof, with the appurtenances, upon having six weeks' notice from the spiritual person admitted, collated, instituted, or licensed to such benefice, provided such notice

Curate peaceably to deliver up possession of house of residence within six months

after notice,
or pay forty
shillings per
day.

be given within six months from the time of such admission, collation, institution, or licence; and that in all other cases it shall be lawful for the incumbent of any benefice, with the permission signified in writing under the hand of the bishop of the diocese, or for such bishop, at any time, upon six months' notice in writing, to direct any curate to deliver up the house of residence, and the offices, stables, gardens, and appurtenances thereto belonging, and such portion of the glebe land as shall have been assigned to such curate, and such curate shall thereupon peaceably deliver up the possession of the premises pursuant to such notice; and if any curate shall refuse to deliver up such premises in any or either of the cases aforesaid he shall pay to the spiritual person holding the benefice the sum of forty shillings for every day of wrongful possession after the service of such notice.

Curate not
to quit cu-
racy without
three months
notice to
incumbent
and bishop,
under a
penalty.

XCVII. And be it enacted, that no curate shall quit any curacy to which he shall be licensed until after three months' notice of his intention given to the incumbent of the benefice and to the bishop, unless with the consent of the bishop, to be signified in writing under his hand, upon pain of paying to the incumbent a sum not exceeding the amount of his stipend for six months, at the discretion of the bishop, such sum to be specified in writing under the hand of the bishop, which sum may in such case be retained out of the stipend if the same or any part thereof shall remain unpaid, or, if the same cannot be retained out of the stipend, may be recovered by the spiritual person holding the benefice by action of debt.

Bishop may
licence cu-
rates employ-
ed without
nomination,
revoke any
licence, and
remove the
curate, sub-
ject to ap-
peal to the
archbishop.

XCVIII. And be it enacted, that it shall be lawful for the bishop to licence any curate who is or shall be actually employed by any non-resident incumbent of any benefice within his diocese although no express nomination of such curate shall have been made to such bishop by the incumbent; and that the bishop shall have power, after having given to the curate sufficient opportunity of showing reason to the contrary, to revoke, summarily and without further process, any licence granted to any curate, and to remove such curate, for any cause which shall appear to such bishop to be good and reasonable: provided always, that any such curate may, within one month after service upon him of such revocation, appeal to the archbishop of the province, who shall confirm or annul such revocation as to him shall appear just and proper.

Bishop may
appoint cu-
rates to all
sequestered
benefices.

XCIX. And be it enacted, that in every case in which a benefice shall be under sequestration, except for the purpose of providing a house of residence as aforesaid, it shall be lawful to the bishop and he is hereby required, if the incumbent shall not perform the duties of the said benefice, to appoint and license a curate or curates thereto, and to assign to him or them a stipend or stipends, not exceeding, in the case of any one such curate, the highest rate of stipend allowed by this act, nor, where more than one curate is appointed, a stipend exceeding one hundred pounds to more than one such curate, such stipend or stipends to be paid by the sequestrator of such benefice out of the profits thereof: provided always, that not more than one curate shall be appointed to any such benefice in any case in which there is not more than one church, or the population does not exceed two thousand persons.

C. And be it enacted, that upon the avoidance of any benefice, by death, resignation, or otherwise, the sequestrator appointed by the bishop shall, out of the profits thereof which shall come to his hands, pay to the curate or curates appointed by such bishop to perform the ecclesiastical duties of such benefice during the vacancy thereof, such stipend or stipends as shall be ordered to be paid to him or them by such bishop, not exceeding the respective stipends allowed by this act, and in proportion only to the time of such vacancy.

Stipend of curate of sequestered benefice to be paid by sequestrator.

CI. Provided always, and be it enacted, that if the profits of such benefice which shall have come to the hands of such sequestrator during the vacancy thereof shall not be sufficient to pay such stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such curate by the succeeding incumbent of such benefice out of the profits thereof; and such bishop is hereby empowered and required, if necessary, to enforce payment of the same by monition, and by sequestration of the profits of such benefice.

Proviso for payment by succeeding incumbent, where profits during sequestration insufficient.

CII. And be it enacted, that every bishop who shall grant or revoke any licence to any curate under this act shall cause a copy of such licence or revocation to be entered in the registry of the diocese; and an alphabetical list of such licences and revocations shall be made out by the registrar of each diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence and revocation shall be transmitted by the said registrar to the churchwardens or chapelwardens of the parish, township, or place to which the same relates, within one month after the grant of such licence or revocation thereof, to be by them deposited in the parish chest: provided always, that every such registrar shall for every such copy transmitted to such churchwardens or chapelwardens as aforesaid be entitled to demand and receive from the incumbent of such benefice a fee of three shillings, and no more: provided also, that in case the archbishop shall, on appeal to him, annul the revocation of any such licence, the bishop by whom such revocation shall have been made shall, immediately on receiving notice from the archbishop that he had annulled the same, make such or the like order as is hereinbefore directed to be made on the revocation of a licence for non-residence being annulled, which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

Licences to curates, and revocations thereof, to be entered in the registry of the diocese.

CIII. And whereas in many benefices in *Wales* and in the counties adjacent thereunto many of the inhabitants are imperfectly or not at all instructed in the *English* language, and it is expedient that persons to be hereafter instituted or licensed to such benefices should possess an adequate knowledge of the *Welsh* language: and whereas in and by an act passed in the session of parliament holden in the sixth and seventh years of his late majesty's reign, intituled *an act for carrying into effect the reports of the commissioners appointed to consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses, revenues, and patronage*, the said commissioners were directed to prepare and lay before his then majesty in council

Repeal of part of 6 & 7 W. 4, c. 77.

a scheme for preventing the appointment of any clergyman not fully conversant with the *Welsh* language to certain benefices with cure of souls in *Wales*: and whereas it is expedient to repeal such enactment, and instead thereof to enact other provisions of more general and extensive application; be it therefore enacted, that the said enactment shall be and the same is hereby repealed.

Provision
for benefices
in certain
Welsh dio-
ceses.

CIV. And be it enacted, that within the several dioceses of *Saint Asaph*, *Bangor*, *Llandaff*, and *Saint David's* it shall and may be lawful for the bishop, if he shall think fit, to refuse institution or licence to any spiritual person who after due examination and inquiry shall be found unable to preach, administer the sacraments, perform other pastoral duties, and converse in the *Welsh* language: provided always, that any such spiritual person may, within one month after such refusal, appeal to the archbishop of *Canterbury*, who shall either confirm such refusal or direct the bishop to grant institution or licence, as shall seem to the said archbishop just and proper: provided also, that nothing hereinbefore contained shall be construed to affect or abridge any rights which the inhabitants of any benefice within the said four *Welsh* dioceses may at present by law possess of entering a caveat against or objecting in due course of law to the institution, collation, or licence of any spiritual person, or of proceeding to procure the deprivation of any such person.

Provision
for curates
in certain
Welsh dio-
ceses.

CV. And be it enacted, that all the provisions and powers of this act relating to the appointment of curates where the ecclesiastical duties are inadequately performed shall within the several dioceses of *Saint Asaph*, *Bangor*, *Llandaff*, and *Saint David's* extend and apply to cases wherein the bishop shall see reason to believe that the ecclesiastical duties of any benefice are not satisfactorily performed by reason of the insufficient instruction in the *Welsh* language of the spiritual person serving such benefice.

No spiritual
person to
serve more
than two
benefices in
one day.

CVI. And be it enacted, that no spiritual person shall serve more than two benefices in one day unless in case of unforeseen and pressing emergency, in which case the spiritual person who shall so have served more than two benefices shall forthwith report the circumstance to the bishop of the diocese.

Provisions
relating to
bishops to
apply to
archbishops
in their own
dioceses.

CVII. And be it enacted, that all the powers, authorities, provisions, regulations, matters, and things in this act contained, in relation to bishops in their dioceses, shall extend and be construed to extend to the archbishops in the respective dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully and effectually as if the archbishops were named with the bishops in every such case.

Power of
archbishops
and bishops
as to exempt
or peculiar
benefices, &c.

CVIII. And be it enacted, that every archbishop and bishop, within the limits of whose province or diocese respectively any benefice, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction

of such archbishop or bishop; and where any benefice, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where the same or any of them shall be locally situate between the limits of the two provinces, or between the limits of any two or more dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the parish church of the same respectively shall be nearest in local situation shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same, with regard thereto respectively, as such archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same for all the purposes of this act shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop; provided that the peculiars belonging to any archbishopric or bishopric, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act as for all other purposes of ecclesiastical jurisdiction.

CIX. And be it enacted, that in every case in which jurisdiction is given to the bishop of the diocese or to any archbishop, under the provisions of this act, and for the purposes thereof, and the enforcing the due execution of the provisions thereof, all other and concurrent jurisdiction in respect thereof shall, except as herein otherwise provided, wholly cease, and no other jurisdiction in relation to the provisions of this act shall be used, exercised, or enforced, save and except such jurisdiction of the bishop and archbishop under this act: any thing in any act or acts of parliament, or law or laws, or usage or custom, to the contrary notwithstanding,

Where jurisdiction is given to bishop, &c. all concurrent jurisdiction to cease.

CX. And be it enacted, that every sequestration issued under the provisions of this act shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations, and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly docketed before the passing of this act, and also except such sequestrations as shall have been issued before any sequestration under this act under the provisions of an act passed in the seventeenth year of the reign of king *George* the third, for promoting the residence of the parochial clergy, and the monies to be recovered by such excepted sequestrations respectively.

Sequestrations under this act to have priority

CXI. And be it enacted, that all appeals under the provisions of this act to any archbishop shall be in writing signed by the party appealing; and that in order to discourage frivolous appeals no proceeding shall be had in any such appeal until the appellant shall, if required, have given security in such form and to such amount as the archbishop shall direct of payment to the bishop of such costs as shall be awarded by the archbishop if he shall decide against the appellant; and that after such security, if required, shall have been given, the said archbishop shall forthwith, either by himself or by some commissioner or commissioners appointed under his hand from among the other bishops of his province, make or cause to be made inquiry into the matter complained of, and shall after such inquiry,

The mode of appealing to the archbishop of the province.

and in the latter case after a report in writing from his said commissioner or commissioners, give his decision in such appeal in writing under his hand; and when he shall decide the merits of the appeal against the appellant he shall also award and direct whether any and what amount of costs shall be paid by the appellant to the bishop respondent; and in like manner when he shall decide in favor of the appellant he shall also award and direct whether any and what amount of costs shall be paid by the bishop respondent to the appellant.

Regulations
respecting
monitions
and seques-
trations.

CXII. And be it enacted, that in all cases in which proceedings under this act are directed to be by monition and sequestration, such monition shall issue under the hand and seal of the bishop, and such monition, and any other instrument or notice issued in pursuance of the provisions of this act, and not otherwise specially provided for, shall be served personally upon the spiritual person therein named or to whom it shall be directed, by showing the original to him and leaving with him a true copy thereof, or, in case such spiritual person cannot be found, by leaving a true copy thereof at his usual or last known place of residence, and by affixing another copy thereof upon the church door of the parish in which such place of residence shall be situate, and also, in the case of such monition, by leaving another copy thereof with the officiating minister or one of the churchwardens of the said parish, and also by affixing another copy thereof on the church door of the parish in which the benefice of such spiritual person shall be situate; and such monition or other instrument, or notice as aforesaid, shall, immediately after the service thereof, be returned into the consistorial court of such bishop, and be there filed, together with an affidavit of the time and manner in which the same shall have been served; and thereupon, in case of such monition, it shall be competent to the party monished to show cause, by affidavit or otherwise, as the case may require, why a sequestration should not issue according to the tenor of such monition; and if such spiritual person shall not, within the time assigned by such monition, show sufficient cause to the contrary, such sequestration shall issue under the seal of the consistorial court of such bishop, and shall be served and returned into the registry of such court in like manner as is hereinbefore directed with respect to monitions issued under the provisions of this act.

Sequestra-
tion not to
issue after
monition to
reside, until
service of
order.

CXIII. Provided always, and be it enacted, that in any case of non-residence in which a monition shall have been served upon any spiritual person under the provisions of this act, requiring such spiritual person to reside on his benefice, no sequestration shall issue until an order requiring such spiritual person to proceed and reside upon such benefice within thirty days, as hereinbefore enacted, shall have been served upon him in the same manner as is hereinbefore directed as to the service of monitions.

Recovery of
penalties
against spiri-
tual persons.

CXIV. And be it enacted, that all penalties and forfeitures which shall be incurred under this act by any spiritual person holding a benefice shall and may be sued for and recovered in the court of the bishop of the diocese in which such benefice is situate, and by some person duly authorised for that purpose by such bishop by writing under his hand and seal, and in no other court, and by or at the

instance of no other person whatever; and that the payment of every such penalty or forfeiture, together with the reasonable expense incurred in recovering the same, shall and may be enforced by monition and sequestration; and that it shall and may be lawful for such bishop, by any order made for that purpose in writing under his hand, and to be registered in the registry of the diocese, which the registrar is hereby required to do, to direct that every such penalty or forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the augmentation or improvement of such benefice or of the house of residence thereof, or of any of the buildings or appurtenances thereof.

CXV. And be it enacted, that all fees, charges, costs, and expenses incurred or directed to be paid by any spiritual person holding any benefice under the provisions of this act, which shall remain unpaid for the period of twenty-one days after demand thereof in writing delivered to or left at the usual or last place of abode of such spiritual person, may be recovered by monition and sequestration: provided always, that it shall be lawful for the person or persons of whom any such fees, costs, charges, and expenses shall be so demanded to apply to the bishop of the diocese to order the taxation thereof, and such bishop shall thereupon order some proper person to tax and settle the same; and the certificate of allowance, by the person so to be appointed, of such fees, costs, charges, and expenses so to be taxed, shall be final,

Recovery of fees, &c.

CXVI. And be it enacted, that if the registrar of any diocese shall refuse or neglect to make any entry, or to do any other matter or thing prescribed by this act, he shall forfeit for every such refusal or neglect the sum of five pounds.

Penalty on registrar for neglect.

CXVII. And be it enacted, that all penalties and forfeitures under this act incurred by persons not spiritual, or by spiritual persons not holding benefices, shall be sued for and recovered by any person who will sue for the same by action of debt in any of her majesty's courts of record at *Westminster*.

Recovery of penalties against laymen or unbeficed clergymen,

CXVIII. And be it enacted, that no penalty shall be recovered against any spiritual person, under the provisions of this act, other or further than those which such spiritual person may have incurred subsequent to the first day of *January* in the year immediately preceding the year in which such proceedings shall be commenced.

Penalties not recoverable for more than one year.

CXIX. And be it enacted, that all penalties recovered under the provisions of this act, the application of which is not specially directed thereby, shall be paid over to the treasurer of the governors of the bounty of queen *Anne*, to be applied to the purposes of the said bounty.

Application of penalties.

CXX. And be it enacted, that for all the purposes of this act, except as herein otherwise provided, the year shall be deemed to commence on the first day of *January*, and be reckoned therefrom to the thirty-first day of *December*, both inclusive.

Commencement and conclusion of the year.

CXXI. And be it enacted, that for all the purposes of this act the months therein named shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case thirty days shall be deemed a month.

How months to be calculated.

Certified
copy of entry
of licence to
be evidence.

CXXII. And be it enacted, that in every case where by the provisions of this act the copy of any licence is required to be filed or entered in the registry of the diocese, a copy thereof, certified by the registrar, shall be admissible as evidence in all courts and places whatever.

Statements
how to be
verified.

CXXIII. And be it enacted, that when authority is given by this act to any archbishop or bishop to require any statement or facts to be verified by evidence, or to inquire or to cause inquiry to be made into any facts, such archbishop or bishop may require any such statement or any of such facts to be verified in such manner as the said archbishop or bishop shall see fit; and that when any oath, affidavit, or affirmation or solemn declaration is or may be by or in pursuance of the provisions of this act required to be made, such oath, affidavit, or affirmation or solemn declaration shall and may be made either before such archbishop or bishop, or the commissioner or commissioners, or one of them, of such archbishop or bishop respectively, or before some ecclesiastical judge or his surrogate, or before a justice of the peace, or before a master or master extraordinary in chancery, who are hereby authorised and empowered in all and every of the cases aforesaid to administer such oath, affidavit, and affirmation, or to take such declaration, as the case may be.

Definition
of the term
"Cathedral
preferment,"

CXXIV. And be it enacted, that in all cases where the term "Cathedral preferment" is used in this act, it shall be construed to comprehend (unless it shall otherwise appear from the context) every deanery, archdeaconry, prebend, canonry, office of minor canon, priest vicar, or vicar choral, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurer'ship, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church, and every mastership, wardenship, and fellowship in any collegiate church; and that in all cases where the term "Benefice" is used in this act, the said term shall be understood and taken to mean benefice with cure of souls, and no other, (unless it shall otherwise appear from the context), and therein to comprehend all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any church or chapel, any thing in any other act to the contrary notwithstanding.

and "Bene-
fice."

Who to be
considered
patron.

CXXV. And be it enacted, that in every case in which the consent of, or the execution of any deed or deeds, instrument or instruments by, the patron of any cathedral preferment, or of any benefice, sinecure rectory, or vicarage, or the owner or impropiator of any lands, tithes, tenements, or hereditaments, is required for carrying into effect any of the purposes of this act, and also in every case in which it may be necessary to give any notice to any such patron for any of the said purposes, the consent of execution by or notice to the patron or person entitled to make donation or present or nominate to such cathedral preferment, benefice, sinecure rectory, or vicarage, in case the same were then vacant, or the person or persons who shall be in the actual possession, receipt, or perception of the rents, proceeds, or profits of such lands, tithes, tenements, or hereditaments for an

estate or interest not less than an estate for life, shall respectively be sufficient.

CXXVI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the patronage of such benefice shall be in the crown, the consent of the crown to the exercise of such power shall be testified and such notice shall be given respectively in the manner hereinafter mentioned; (that is to say), if such benefice shall be above the yearly value of twenty pounds in the queen's books, the instrument by which the power shall be exercised shall be executed by and any such notice shall be given to the lord high treasurer or first lord commissioner of the treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the queen's books, such instrument shall be executed by and any such notice shall be given to the lord high chancellor, lord keeper or lords commissioners of the great seal, for the time being; and if such benefice shall be within the patronage of the crown in right of the duchy of *Lancaster*, such instrument shall be executed by and any such notice shall be given to the chancellor of the said duchy for the time being; and the execution of such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this act to be an execution by and a sufficient notice to the patron of the benefice.

How consent of patron to be testified, where patronage in the crown.

CXXVII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall for the purposes of this act be deemed and taken to be an execution by the patron of the benefice.

How where patron is an incapacitated person.

CXXVIII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of *Cornwall*, the consent of the patron of such benefice to the exercise of such power shall be testified and such notice shall be given respectively in the manner hereinafter mentioned; (that is to say), the instrument by which the power shall be exercised shall be executed by and any such notice shall be given to the duke of *Cornwall* for the time being, if of full age, but if such benefice shall be within the patronage of the crown in right of the duchy of *Cornwall*, such instrument shall be executed by and any such notice shall be given to the same person or persons who is or are by this act authorized to testify the consent of the crown to the exercise of any power given by this act in respect of any benefice in the patronage of the crown; and the execution of

How where patronage is attached to the duchy of Cornwall.

such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this act to be an execution by and a sufficient notice to the patron of the benefice.

Distance
how to be
computed.

CXXIX. And be it enacted, that the distance between any two benefices for the purposes of this act shall be computed from the church of the one to the church of the other by the nearest road or footpath, or by an accustomed ferry; and if on one of the said benefices there be two or more churches, then the distance shall be computed from or to the nearest of such churches, as the case may be; or if on one of such benefices there be no church, then in such manner as shall be directed by the bishop of the diocese in which the benefice proposed to be taken and held by any spiritual person in addition to one already held by him shall be locally situate.

Population
how to be
computed.

CXXX. And be it enacted, that whenever the population of any place shall be required by this act to be ascertained, the same shall be taken from the latest returns of population made under any act of parliament for that purpose at the time when the question shall arise, if such returns shall apply to the place respecting which the question shall be, but if such place shall only form part of a parish or district named in such returns, then such returns shall be taken to represent truly the population of the parish or district named therein, and from them the population of the place required shall be computed, according to the best evidence of which the subject shall be capable.

Tables of
fees to be
taken by
officers with
respect to
admissions
to benefices,
by whom to
be estab-
lished.

CXXXI. And be it enacted, that the archbishop of *Canterbury*, the lord high chancellor, and the archbishop of *York*, with the assistance of the vicars general of the said two archbishops, and of one of the masters of the high court of chancery, to be selected for that purpose by the lord high chancellor, shall ordain and establish tables of fees, and shall have power from time to time to amend or alter such tables of fees, to be taken in respect of donation, presentation, nomination, collation, institution, installation, induction, or license, or any instrument, matter, or thing connected with the admission of any spiritual person to any cathedral preferment or any benefice throughout *England* and *Wales*, by any officer, secretary, clerk, or minister to whom belong the duties of preparing, sealing, transacting, or doing any of such instruments, matters, and things; and before the fees contained in such tables or such amended tables shall be demanded, taken, or received by any of the said persons such tables or amended tables shall be submitted to her majesty's privy council, who may disallow the same or any part thereof; and notice shall be given in the *London Gazette* of such submission to the privy council; and if within the space of three months from the time of giving such notice the same shall not be disallowed, such fees, or such parts thereof as shall not be disallowed, shall from and after the expiration of the said three months be deemed and taken to be lawful fees, and thenceforward such fees, and none others, save only such as may be altered or subsequently ordained, as before provided, shall be demanded, taken, or received by any of such officers, secretaries, clerks, or ministers respectively, under any colour or pretence whatsoever: provided always, that the said persons shall not ordain or establish any fees exceeding the fee which

for the twenty years next preceding the passing of this act shall have been usually taken for or in respect of the same instrument, matter, or thing in case of admission to any cathedral preferment or any benefice within the diocese of *London*: provided also, that the said persons shall have power to ordain graduated scales of fees in respect of benefices below the yearly value of five hundred pounds.

CXXXII. And be it enacted, that nothing in this act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights, or jurisdiction already vested in or belonging to any archbishop or bishop under or by virtue of any statute, canon, usage, or otherwise howsoever. Act not to affect powers of bishops.

CXXXIII. And be it enacted, that no provision in this act contained shall extend or be construed to extend to that part of the united kingdom called *Ireland*. Act not to extend to Ireland.

The first Schedule referred to in the foregoing act.

QUESTIONS to be annually transmitted by each bishop to every spiritual person holding any benefice within his diocese or jurisdiction.

1. What is the name of your benefice?
2. In what county?
3. Name of incumbent, and date of admission?
4. Is there a glebe house belonging to your benefice?
5. Were you resident in the glebe house, or, there being no glebe house, or none fit for your residence, were you resident in any and what house appointed by the bishop in his licence, during the last year, for the term prescribed by law?
6. Being non-resident, were you performing the duties of your parish for the said time? If so, state where you resided, and at what distance from the church or chapel?
7. Were you in the last year serving any other church or chapel in the neighbourhood as incumbent? If so, state the name thereof, and the distance from the above named church or chapel; and when and for how long you served the same?
8. Were you serving any other church or chapel in the neighbourhood as curate? If so, state the name thereof, and the distance from your own church or chapel; and when and for how long you served the same?
9. What are the services in your church? Is a sermon or lecture given at every or which of such services?
10. Were these services duly performed last year? If not, for what reason?
11. What are the services in your chapel or chapels, if any? Is a sermon or lecture given at every or which of such services?
12. Were these services duly performed last year? If not, for what reason?
13. Have you any assistant curate or curates? If so, state his or their names; also whether he or they is or are licensed, and the amount of his or their stipend or respective stipends?
14. If you were non-resident, were you so by licence?

15. If non-resident by licence, state the ground of licence, and the time when it will expire?
16. If non-resident without licence? were you so by exemption?
17. If non-resident by exemption, state the ground of exemption, and whether such exemption was claimed for the whole year, or during what part thereof?
18. If you were non-resident, and did not perform the duties of your benefice, what ecclesiastical duties, if any, were you performing, and where do you now reside?

OBSERVE,—The foregoing questions are to be answered by every incumbent, whether resident or not.

FURTHER QUESTIONS to be answered, in addition to the foregoing, in case the incumbent be non-resident.

19. What is the name of your curate?
20. Does he reside in the glebe house?
21. Does he pay any and what rent or consideration for the use of the glebe house; or is any deduction made on account thereof from the stipend assigned to him in his licence?
22. If not resident in the glebe house, does he reside in the parish?
23. If not resident in the parish, where does he reside, and at what distance from your church or chapel?
24. Does he serve any other church or chapel as incumbent? If so, state the name thereof, and the distance from your own church or chapel?
25. Does he serve any other church or chapel as curate? If so, state the name thereof, and the distance from your own church or chapel?
26. Is he licensed?
27. What is his salary from you?
28. Has he from you any other allowances or emoluments? State what, and the average value thereof respectively?
29. What is the gross and what is the net annual value of your benefice?

N.B.—All the questions have reference to the year immediately preceding that in which they are transmitted.

The Second Schedule referred to in the foregoing act.

FORM of the MORTGAGE.

THIS Indenture, made the day of in the year of our Lord between the right reverend father in God lord bishop of of the one part, and of the other part: whereas the said bishop, pursuant to the directions of an act passed in the second year of the reign of her majesty queen *Victoria*, intituled *an act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy*, hath determined to levy and raise the sum of pounds, to be laid out and expended in building, rebuilding, or repairing [*as the case shall be*] the parsonage house and other necessary offices upon the glebe belonging to the rectory,

vicarage, &c. of [describing it,] [or, in purchasing a house and land for the residence and occupation of the incumbent of the rectory, &c.]: and whereas the said hath agreed to lend and advance the sum of pounds, upon a mortgage of the glebe, tithes, rent charges, rents, and other profits and emoluments of the said benefice, pursuant to the directions and the true intent and meaning of the said act. Now this indenture witnesseth, that the said bishop, in consideration of the sum of pounds, paid at or before the sealing and delivery hereof into the hands of (a person or persons [as the case shall be] nominated by the said bishop to receive the same, pursuant to the directions of the said act (which nomination is hereunto annexed), and which receipt of the said sum of pounds the said have or hath acknowledged by an endorsement on this deed), hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise, unto the said his executors, administrators, and assigns, all the glebe lands, tithes, rent charges, rents, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other profits and emoluments whatsoever, arising, coming, growing, renewing, or payable to the incumbent of the said benefice in respect thereof, with all and every the rights, members, and appurtenances thereunto belonging; to have, hold, receive, take, and enjoy the said premises and their appurtenances unto the said his executors, administrators, and assigns, from henceforth for the term of thirty-five years, fully to be complete and ended: provided always, that if the incumbent for the time being of the said benefice and his successors shall, from and after the expiration of the first year of the said term, yearly and every year (such year to be computed from the date hereof), pay to the said his executors, administrators, and assigns, one thirtieth part of the sum of pounds, until the whole thereof shall be repaid, and at the end of the first and each succeeding year pay interest at the rate of per cent. per annum on the said sum of pounds, or so much thereof as shall from time to time remain unpaid, according to the true intent and meaning of the said act and of these presents, and also all costs and charges which shall be occasioned by the non-payment thereof, these presents and every thing herein contained shall be void: provided also, that it shall be lawful for the incumbent for the time being of the said benefice, and his successors, peaceably and quietly to hold and enjoy the said glebe lands, tithes, rent charges, rents, moduses, compositions for tithes, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising or to arise from or in respect of the said benefice, until default shall be made by him or them respectively in the payment of the interest and principal, or some part thereof, at the times and in the manner aforesaid. In witness, &c.

APPOINTMENT OF THE NOMINEE (to be written on parchment.)

I, the right reverend father in God lord bishop
of do hereby nominate and appoint

of _____ to receive the money authorized to be raised by an act passed in the second year of the reign of her majesty queen *Victoria*, intituled *an act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy*, for the purpose of building, rebuilding, repairing, or purchasing the parsonage house, &c. [*as the case may be*] to the rectory, vicarage, &c. of _____ belonging, and to pay and apply the same, and to enter into contracts with proper persons for such buildings or repairs, and to inspect and to take care of the execution of such contracts, and to take such receipts and vouchers, keep such accounts, and do and perform all such other matters and things which nominees are authorized and required to do and perform in and by the said act, the said _____ having given security for the due application thereof, according to the directions of the said act. Given under my hand this _____ day of _____.

FORM of the DEED of PURCHASE of buildings or lands to be annexed to the benefice.

THIS Indenture, made the _____ day of _____ in the year of our Lord _____ between *A. B.* of _____ of the one part, the right reverend father in God _____ lord bishop of _____ and *E. F.* of _____ patron of the rectory, &c. of _____ of the other part: whereas there is no fit parsonage house belonging to the said rectory, &c.: and whereas a contract hath been made, by the direction of the said bishop, with the said *A. B.* for the absolute purchase of the house, buildings, and lands hereinafter described, for the price or sum of _____ pounds, pursuant to the directions of an act passed in the second year of the reign of her majesty queen *Victoria*, intituled *an act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy*. Now this indenture witnesseth, that the said *A. B.*, in consideration of the sum of _____ pounds to him in hand paid for the purchase aforesaid, the receipt for which sum the said *A. B.* hath admitted by an endorsement on the back of this deed, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell, unto the said *E. F.* and his heirs, all, &c. [*here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges, and appurtenances,*] to hold unto the said *E. F.* and his heirs or successors [*as the case may be*] in trust for the sole use and benefit of the incumbent of the said benefice and his successors, rectors, vicars, &c. [*as the case may be*] of the said benefice for the time being, for ever. [*Usual covenants for title to be added.*] In witness, &c.

END OF VOL. III.

Law, James Thomas,

The Ecclesiastical Statutes at Large, extracted from the great body of the
Statute Law, and arranged under separate heads

Bd.: 3

London (1847)

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